

Michael H. Bunis

Practice Group Leader

T +1 (617) 248-4030 | mbunis@choate.com

“Michael is always highly responsive, but what I value most is the way he combines a creative legal mind with pragmatic business sense to get the right outcome for us. I trust his judgment and often seek his advice on matters falling outside of his subject matter expertise.”

- *Thomas Kennedy, General Counsel and Chief Compliance Officer, Versa Capital Management*



Michael Bunis, co-chair of Choate’s Intellectual Property Litigation Practice Group, is a leading litigator with more than 20 years of experience representing technology and life sciences companies in high stakes litigation and other complex, IP related disputes. He has been recognized by *The Legal 500*, *Best Lawyers in America*, *IAM Patent 1000* and as a *Massachusetts Super Lawyer*. Mr. Bunis is a member of the Firm’s Executive Committee.

EDUCATION

Boston University School of Law
JD, 1994, *magna cum laude*

University of Vermont
BA, 1989

CLERKSHIP

Honorable Nancy Gertner
U.S. District Court, Massachusetts

PRACTICE FOCUS

Complex Intellectual Property Disputes

Counsels operating companies and private equity firms in all aspects of intellectual property from litigation of disputes to negotiation of complex licensing agreements to the acquisition of intangible assets.

REPRESENTATIVE ENGAGEMENTS

- Member of the trial team for **Hewlett-Packard** in jury trial in Santa Clara County Superior Court. Litigation related to Oracle’s unilateral decision to stop porting its software to HP’s Itanium mission critical server platform in violation of an agreement between the companies. After five week trial, jury returned a verdict in favor of Hewlett-Packard – awarding \$3 billion in HP’s favor and rejecting Oracle’s counterclaim entirely.
Hewlett-Packard Company v. Oracle Corporation, SCC Superior Court
- Representation of **EMC** in several cases relating to former key employees who left company to found commercial rival using stolen trade secrets. EMC has already obtained preliminary injunction in two of the cases. In addition, three arbitration matters are pending versus former employees for violations pertaining to key employee contract violations.
EMC Corporation v. Pure Storage, Inc, D Mass
- Representation of **New England BioLabs**, leader in production of and supply of reagents for life sciences industry, regarding theft of trade secrets by former employees and founders with respect to new company.
New England BioLabs v. Enzymatics, D Mass

ADMISSIONS

Massachusetts

New York

U.S. Courts of Appeals,
First and Federal Circuits**PRACTICE AREAS**Complex Intellectual
Property DisputesIntellectual Property
Protection

Technology

- Representation of **Avis Budget Group** and **The Hertz Corporation** in patent infringement suit involving transactions on the Internet. Secured stay of district court litigation after successful challenge to patents at US Patent and Trademark Office.
Pi-Net v. Avis, Hertz, Budget, CD Cal
- Representation of major **pharmaceutical company** in dispute relating to milestone payments.
- Representation of **NeuroLogica**, a mobile CT manufacturer in several trade secret complaints and in patent case related to computed tomography of detector arrays, scintillator crystals and data acquisition systems.
NeuroLogica v. Analogic, D Mass
NeuroLogica V. Mobius Imaging LLC, Mass Superior Court
- Representation of **Polartec, LLC** in enforcement action against Taiwanese manufacturer of “knock-off” infringing goods that were shipped to United States and in lawsuit alleging infringement of patent directed three-end-fire-resistant-fleece used for a fire fighter’s turnout coat.
Polartec v. Kingwhale, et al., D Mass
Southern Mills, Inc. v. Polartec LLC, ND Ga
- Representation of **Facet Technologies, LLC**, a manufacturer and seller of reusable lancet medical devices designed for testing blood glucose levels in patent infringement action.
Stat Medical Devices Inc. v. Facet Technologies, LLC, et al., D Del
- Represented **Respondent Japanese manufacturer** of probe cards in United States International Trade Commission Section 337 Investigation. Trial victory on behalf of client.
In the Matter of Certain Probe Card Assemblies, Components Thereof and Certain Tested DRAM and NAND Flash Memory Devices, Investigation No. 337 – TA – 621
- Representation of Internet Portal **Lycos** in patent infringement action related to Internet dating services. Negotiated pre-discovery resolution on extremely favorable terms.
Netdate of Texas, LLC v. Lycos, ED Tx
- Representation of **Kyphon** in asserting patents directed to balloon kyphoplasty procedures. Litigation included claim of misappropriation of trade secrets by Medtronic. Dispute resolved through Medtronic’s \$3.9 billion purchase of Kyphon.
Kyphon v. Medtronic, WD Tenn
- Representation of **software manufacturer** as both plaintiff-patentee and defendant-accused infringer in two separate, simultaneous litigations related to Device Relationship Management Systems.
- Representation of **Stride Rite** against infringement action brought by individual inventor in District of Maryland. Negotiated settlement agreement with total indemnification from supplier.
Cherdak v. Stride Rite Corporation, SD Fla

- Representation of **iRobot**, a publicly traded provider of tactical military robots, in trade secret and patent infringement suit against industry competitor. iRobot was awarded \$300 million contract with the United States Military for supply of tactical robots to soldiers in Iraq and Afghanistan.
iRobot Corporation v. Robotic FX, Inc., D Mass

PUBLICATIONS AND PRESENTATIONS

- “Raising the Stakes in Patent Cases,” *moderator*, BIO IPCC Fall Conference, November 2018.
- “On-Sale Bar Questions Leading Up To Helsinn At High Court,” *co-author*, *Law360*, August 2018.
- “Could Your Cure Walk Out the Door?,” *co-author*, *Corporate Counsel*, January 2016.
- “Halo V. Pulse: The Willfulness Debate Rages On,” *co-author*, *IP Law360*, May 2015.
- “Peregrine Puts Hired-to-Invent Issues in Spotlight,” *co-author*, *IP Law360*, July 2014.
- “Searching for ‘Reasonable Particularity,’” *co-author*, *Intellectual Property Magazine*, June 2014.
- “Lawyers Weigh in on High Court’s Patent Rulings,” *quoted*, *IP Law360*, April 2014.
- “You Need to Work Harder to Fight Trade Secret Theft,” *co-author*, *IP Law360*, August 2013.
- “Trade Secrecy: Massachusetts Update,” *speaker*, 16th Annual New England Intellectual Property Law Conference 2013, Boston, June 2013.
- “Q&A With Choate’s Michael Bunis,” *featured*, *IP Law360*, March 2013.

PROFESSIONAL AND COMMUNITY INVOLVEMENT

Mr. Bunis is a member of the Federal Circuit Bar Association and co-chair of the Boston Patent Law Association Trade Secret Committee. He also serves as co-chair of the Intellectual Property Section of the Boston Bar Association. Mr. Bunis formerly served as an adjunct faculty member of Boston University School of Law and is a regular lecturer at the Gordon Engineering Leadership Program at Northeastern University.