



## → Michelle Replogle

### Partner

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Michelle Replogle is a partner in the Intellectual Property Practice Group in the firm's Houston office and is a Co-Leader of the Trade Secrets Team.

### Areas of Practice

Michelle is a trial lawyer dedicated to intellectual property litigation. She is passionate and dedicated to providing top-notch client service. Michelle's intellectual property practice focuses on patents as well as other business disputes, including trade secret litigations often resulting from departing employees. By far, the most rewarding part of Michelle's career has been the relationships she develops with clients and their witnesses starting from the inception of a case to ultimately presenting those witnesses at trial. Michelle thrives on delving into convoluted, challenging facts to find the compelling simple story that resonates with the jury.

Michelle has significant trial experience and has handled cases in federal courts throughout the country. She has represented clients on both the plaintiff and defendant sides in disputes often involving challenging legal issues. She has handled matters involving a broad range of technologies, ranging from medical devices to cellular to software to energy to chemical and mechanical oilfield technologies.

Michelle has also handled multiple appeals to the Federal Circuit. She is admitted to practice before the Patent and Trademark Office (USPTO) and has represented clients in Inter Partes Review and Reexamination proceedings. She is experienced in prosecution and transactional matters and has worked with clients to develop appropriate patent portfolio and licensing strategies. She has also managed complex product clearance evaluations for those clients and counseled clients on intellectual property enforcement and procurement matters, litigation strategy, settlement negotiations, and licensing.

### Honors

Intellectual Property Litigation, *The Best Lawyers in America*®, 2022-2024

"Rising Star," Intellectual Property Litigation, *Texas Super Lawyers*, 2010 and 2011

### Experience

- Obtained a favorable jury trial verdict on every verdict question on behalf of the patentee-plaintiff, which resulted in rulings of infringement, validity, willful infringement, and the award of damages. (Delaware)
- On a fast track patent case, obtained a preliminary injunction for the patentee, overcoming the defendant's invalidity and non-infringement arguments. Federal Circuit upheld the preliminary injunction on appeal.

Preliminary injunction later upheld again by the district court when the defendants moved to dissolve the injunction following grant of an *inter partes* review on the same patent. (Western District Texas; Federal Circuit)

- Obtained a favorable jury trial verdict on all 57 verdict questions on behalf of the patentee-plaintiff, resulting in rulings of infringement, validity, enforceability, and an award of damages. (Western District of Texas)
- Obtained a favorable bench trial verdict on behalf of the patentee-plaintiff, which resulted in rulings of infringement, validity, willful infringement and the award of treble damages. (Northern District Illinois)
- Obtained a favorable jury verdict on behalf of the defendant in a 3-week jury trial, which resulted in a favorable settlement between the parties. (Northern District Texas)
- Successfully argued for and obtained summary judgment of non-infringement in the Eastern District of Texas, while at the same time fending off plaintiff's summary judgment motion of infringement, and finally resolved a long-pending case for the client. (Eastern District of Texas)
- Participated in one of the first *Markman* hearings before Judge Rodney Gilstrap in Marshall, Texas. Negotiated favorable settlement after issuance of claim construction order. (Eastern District of Texas)
- Successfully defended against an ITC investigation concerning patents on microprocessor architecture. (International Trade Commission)
- Defended a patent infringement suit where the patentee sought damages in excess of \$1 billion; following a 3-week jury trial, the jury found the patent invalid on two separate grounds and not infringed. Affirmed on appeal. (Eastern District Missouri; Federal Circuit)

## Memberships

Intellectual Property Law Section and Committee Member of the Federal Circuit and Patent Law Committees, American Bar Association

Intellectual Property Law Section, State Bar of Texas

Houston Intellectual Property Law Association

ChIPs

## Practices

Intellectual Property

Trade Secrets

## Education

J.D., University of Minnesota, 2001, *cum laude*

B.S., Colorado State University, 1994

## Admissions

Court of Appeals for the Federal Circuit

E.D. Texas

S.D. Texas

N.D. Texas

W.D. Texas

N.D. Illinois

Patent and Trademark Office