



## *Michael J. Summersgill*

**PARTNER**

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MICHAEL.SUMMERSGILL@WILMERHALE.COM

Mr. Summersgill is a first-chair trial lawyer who focuses on patent and commercial litigation. He has represented clients—such as Akamai, Intel, AGCO Corporation, Bank of America, Apple, Infineon, Monsanto, Quest Diagnostics and others—in multiple jurisdictions across the country. He has successfully tried multiple cases in the federal district courts and before the International Trade Commission (ITC). He has successfully argued many IPR petitions to the Patent Trial and Appeals Board. And he has argued multiple appeals including to the Federal Circuit, the First Circuit, the Ninth Circuit and the Delaware Supreme Court.

He has received multiple awards, including being profiled by *The National Law Journal* as a “Winning Litigator,” and has consistently been recognized for his work by *Chambers USA*, *Legal 500*, *Best Lawyers*, *Managing IP*, *IAM Patent 100* and other legal organizations. *Litigation Daily* (of *The American Lawyer*) also recognized him and the WilmerHale team he lead as Litigator of the Week Runners-Up for their trial win for client AGCO Corporation and Precision Planting LLC in the District of Delaware.

Mr. Summersgill previously served as an Assistant District Attorney for the Commonwealth of Massachusetts for six months. As an ADA, he tried 20 cases to verdict.

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## *Solutions*

Commercial Litigation  
Trials

Intellectual Property Litigation

Litigation

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## *Experience*

- Obtained a trial win for our clients after a four-year battle between competitors. Plaintiff John Deere originally asserted thirteen patents against our clients AGCO and Precision Planting. After extensive proceedings, Deere proceeded to trial on the final two patents. Michael led the team and served as the first chair at trial. The jury found in favor of our client on the two remaining patents, finding both patents not infringed. *Litigation Daily* recognized the WilmerHale team as Litigator of the Week Runners-Up for this victory. *John Deere v. AGCO Corporation and Precision Planting*.
- Led a victory for Intel Corporation, Apple Inc. and Hewlett-Packard Co. against complainant X2Y Attenuators LLC, which sought to exclude from the US market all of Intel's leading microprocessors and all Apple and HP computers incorporating the Intel microprocessors. After a full hearing, the judgement was issued as an Initial Determination finding that the asserted patents were not infringed and two of the patents were invalid. When X2Y moved to reopen the district-court actions and add two additional patents three years later, the WilmerHale team won a motion to dismiss for failure to prosecute. Michael then argued the Federal Circuit appeal and obtained a Rule 36 affirmance.
- Secured a complete victory for Intel Corporation, Dell Inc., HP Inc. and Hewlett Packard Enterprise Company against complainant R2 Semiconductor, Inc., which sought to exclude from the US market all of Intel's most advanced microprocessors. Michael argued and won on multiple IPR petitions before the PTAB and obtained a decision cancelling all challenged claims. Michael then argued the Federal Circuit appeal and obtained a Rule 36 affirmance ending the case.
- Led a significant victory for a content delivery network provider when the Delaware Supreme Court affirmed the dismissal of a lawsuit brought by a competitor, asserting breach of a settlement agreement between the parties.
- Led a significant victory for Intel Corporation, when the US District Court for the District of Oregon granted Intel's motion for summary judgment, finding that all claims brought by non-practicing entity Memory Integrity, LLC, were barred by a covenant not to sue. The decision resolves at the district court level a five-patent litigation that had played out in three separate jurisdictions for more than two-and-a-half years.
- Represented a global car manufacturer in a four patent trial related to collision avoidance and infotainment technology in the Western District of Washington. The jury found in favor of our client and also found the plaintiffs and their CEO had misappropriated our client's trade secrets.
- First-chaired trial in a patent licensing dispute in the District Court for the Southern District of New York. The jury found in favor of our client and awarded \$75 million in damages. *Eastman Kodak Company v. Ricoh Company, Ltd.*
- First-chaired breach of contract, trade secret trial in District of New Hampshire for manufacturer of computer mouse products. The jury found in favor of our client on all counts, awarded our full damages claim, and awarded enhanced damages. *Contour v. Chance*.
- Co-trying a seven patent ITC action on behalf of major computer manufacturer. The ITC found in favor of our client on all claims of all patents asserted.
- Co-trying and led a team of 40 lawyers in three related and co-pending ITC actions. The ITC found in favor of our client on all claims of all patents asserted. *Kodak v. Samsung/LG*.

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## *Recognition*

- Named to the 2022 and 2023 editions of *IAM Patent 1000* – The World's Leading Patent Professionals guide for his litigation practice.
- Named to *Boston Magazine's* Top Lawyers list in 2021–2023 in the area of civil litigation/defense.
- Regularly recognized by *Chambers USA Guide* in Massachusetts for intellectual property.
- Named among the 2020–2021 top litigators in Massachusetts by *IAM Patent 1000*.
- Recommended in the 2016, 2017 and 2018 editions of *The Legal 500 United States* for healthcare: life sciences and intellectual property: patent litigation: full coverage.
- Named among the 2020–2024 *Best Lawyers in America* for his work in patent litigation and in 2022–2024 for intellectual property litigation.
- Profiled among *The National Law Journal's* "Winning" lawyers in the 2015 special feature focusing on winning attorneys and their strategies.
- Named a "Massachusetts Super Lawyer" in intellectual property litigation in 2017–2023, and named a "Rising Star" in 2005, 2006, 2007 and 2010.
- Recognized by the *Boston Business Journal* in 2009 as one of Boston's top "40 Under 40."
- Named to the Lawdragon 500 Leading Litigators in America list.

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## *Credentials*

### **EDUCATION**

JD, Harvard Law School, 1996

*cum laude*

BA, Political Science,  
Middlebury College, 1992

*summa cum laude*

*Phi Beta Kappa*

### **ADMISSIONS**

Massachusetts

US District Court for the  
District of Massachusetts

US District Court for the  
Eastern District of Michigan

US Court of Appeals for the  
Federal Circuit

US Court of Appeals for the  
First Circuit

US Court of Appeals for the  
Second Circuit

US Court of Appeals for the  
Third Circuit

US Court of Appeals for the  
Ninth Circuit

US Supreme Court