

Michael T. Morlock

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Services

Adversarial Patent ProsecutionSM

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Counseling

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Patents

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Industries

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Energy Investment

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Retail & Consumer Goods

Technology

Michael Morlock focuses his practice on patent law with a primary focus on the electronics and software industries. His practice includes patent litigation, strategic patent prosecution, and contentious inter and ex parte post grant and reissue work. Mr. Morlock has extensive experience litigating in federal courts, particularly in the Eastern District of Texas. Most recently, he was a member of the trial team representing GREE, Inc. in a series of patent infringement suits resulting in over \$100 million in jury verdicts in GREE's favor following two jury trials in 2020 and 2021.

Mr. Morlock provides creative, cost-effective solutions for his clients — including patent portfolio design as well as employing strategic inter partes review (IPR/PGR/CBM) and ex parte reexamination tactics as well as litigation. He represents multiple companies that specialize in handheld devices, including network providers, handset manufacturers, and developers of advanced mobile technologies. Mr. Morlock has represented these companies as defendants in patent litigations and has also helped them develop patent portfolios by prosecuting multiple patent applications before the U.S. Patent and Trademark Office.

During law school, Mr. Morlock worked as a Teaching Assistant for both the Legal Research and Writing and



Appellate Advocacy program. He also served as a Notes and Comments Editor for the *Florida Law Review*. Prior to law school, Mr. Morlock worked as a Research Engineer for the Georgia Tech Research Institute in Atlanta, where he focused his research on electronic warfare and defense avionics systems.

Mr. Morlock was recognized as a top patent practitioner in 2024 by *IAM Patent 1000 – The World’s Leading Patent Practitioners*. He was recognized in 2021 and the seven years immediately preceding as a North Carolina "Rising Star" for Intellectual Property Law by *Super Lawyers* magazine.

Experience

Representing GREE, Inc., a Japanese gaming and internet media company in a large-scale patent battle with Supercell, a Finnish mobile game development company. Kilpatrick Townsend launched suits involving more than 20 patents against Supercell. The case has led to a complex series of litigations in district court resulting in more than \$100 million in jury verdicts in favor of GREE, as well as at the PTAB and before the Federal Circuit. The Kilpatrick Townsend team obtained a jury verdict for GREE in the Eastern District of Texas of willful infringement, asserting five patents and an award of at least \$8.5 million for damages against Supercell in September 2020, and a second jury verdict of willful infringement in favor of GREE and an award of at least \$92 million in damages in May 2021. *GREE, Inc. v. Supercell Oy*, Nos. 2:19-cv-00237, 2:19-cv-00310, 2:19-cv-00311, 2:19-cv-00070, 2:19-cv-00071 (E.D. Tex. 2019) (Judge Gilstrap)

Successfully defended major aerospace company in action for preliminary injunction in the Eastern District of Texas, including a finding by the Court that our client "raised a substantial question that the asserted patent claims are invalid as obvious." The case has been transferred to the Central District of California and remains pending. *B/E Aerospace, Inc. v. C&D Zodiac Inc. et al.*, 2:16-cv-01417 (E.D. Tex. filed Dec. 15, 2016); 2:19-cv-01480 (C.D. Cal. 2019).

Defended the validity of two patents related to mechanical shoe cushioning systems in *inter partes* reviews brought by a defendant to a parallel patent infringement action. The PTAB found that petitioners failed to prove the challenged patents invalid. *adidas AG v. Skechers USA, Inc.*, 3:16-CV-1400-SI (D. Or. filed Jul. 11, 2016); *Skechers USA, Inc. v. adidas AG*, IPR2017-00125, -127, -320, -322, 847 (PTAB 2017).

Prevailed on behalf of Petitioner Google Inc. in two *inter partes* reviews challenging the validity of patents related to processing and transmitting digital content. The PTAB ruled in favor of Google, finding all challenged claims in both proceedings unpatentable. *Google Inc. v. Summit 6 LLC*, IPR2015-00806, -807 (PTAB 2015).

Asserted a portfolio of patents related to digital sports and fitness tracking, including successfully defending the validity of the patents challenged at the PTAB, leading to a successful settlement on the eve of trial. *adidas AG v. Under Armour*, No. 14-CV-130-GMS (D. Del. filed Feb. 4, 2014); *Under Armour, Inc. v. adidas AG*, IPR2015-00694, -695, -696, -698, -700, (PTAB 2015).



Served as counsel for leading domestic furniture innovation and manufacturing company in a patent, contract, and alleged trade secrets suit brought by furniture company relating to furniture mechanisms and related matters. *American Leather Operations LLC v. Ultra-Mek, Inc.*, No. 3:13-cv-04496 (N.D. Tex. filed Nov. 8, 2013), successfully transferred and resolved. *American Leather Operations LLC v. Ultra-Mek Inc.*, No. 1:14-cv-00295 (M.D. N.C.).

Successfully invalidated at the PTAB a patent related to network storage and delivery asserted by Intellectual Ventures against Motorola. *Motorola Mobility LLC v. Intellectual Ventures I LLC*, No. CBM2015-00004 (PTAB 2014).

Served as counsel for a major financial institution in a patent suit related to financial services, credit cards, debits cards, and related technology. Case resolved before trial. *Card Verification Solutions LLC v. Wells Fargo Bank, N.A.*, No. 1:13-cv-06342 (N.D. Ill. Filed Sep. 4, 2013).

Counsel for petitioner in an *inter partes* review filed against a patent asserted in the District of Vermont. Final Written Decision issued on February 11, 2014 invalidating all asserted claims as anticipated under 35 U.S.C. 102. *Motorola Mobility LLC v. Arnouse Digital Device Corp.*, Case No. IPR 2013-00010 (PTAB 2013).

Represented AT&T in a patent litigation related to video and audio communications. Case resolved before trial. *Pragmatus Telecom, LLC v. AT&T, Inc.*, No. 1:12-cv-01536 (D. Del. filed Nov. 21, 2012).

Successfully defended a major bank in patent litigation related to automated financial transactions. The Middle District of Florida granted summary judgment of invalidity of all asserted claims. *Every Penny Counts, Inc. v. Wells Fargo Bank, N.A.*, No. 8:11-cv-02826 (M.D. Fla. filed Dec. 22, 2011).

Represented T-Mobile, Sharp, and Motorola Mobility against patent infringement claims. Filed detailed counterclaims demonstrating why the asserted patent is invalid in view of the prior art. The plaintiff dismissed the claims against all defendants. *GellyFish Technology of Texas LLC v. Alltel Corp et al.*, No. 2:11-cv-00216 (E.D. Tex. filed Apr. 13, 2011).

Defended United Airlines, U.S. Airways, and Air Canada in the District of Delaware where CyberFone Systems LLC filed multiple actions alleging infringement by customer travel managements systems. Case resolved before trial. *Cyberfone Systems LLC v. Federal Express Corporation, et al.*, No. 11-cv-00834 (D. Del. filed Sept. 15, 2011); *Cyberfone Systems LLC v. Amazon.com, et al.*, No. 11-cv-00831 (D. Del. filed Sept. 15, 2011).

Defended United Airlines in patent infringement case related to a mobile services network platform and corresponding date processing systems. Case resolved before trial. *MacroSolve, Inc. v. United Airlines, Inc.*, No. 11-694 (E.D. Tex. filed Dec. 21, 2011).



Defended AT&T in the Eastern District of Texas in patent litigation related to video delivery systems. Case resolved before trial. *Garnet Digital, LLC v. Apple, Inc., et al.*, No. 11-647 (E.D. Tex. filed Dec. 2, 2011).

Counsel for Red Hat, Inc., Amazon.com, SoftLayer Technologies, Rackspace, Whole Foods, The Planet.com Internet Services, and NYSE Euronext in a patent infringement litigation regarding caching functionality in the Linux operating system in the Eastern District of Texas. A favorable settlement occurred shortly before trial. *Bedrock Computer Technologies, LLC v. SoftLayer Technologies Inc., et al.*, No. 06-269 (E.D. Tex. filed June 16, 2009) and *Red Hat Inc. v. Bedrock Computer Technologies, LLC*, No. 09-549 (E.D. Tex. filed Dec. 9, 2009).

Defended Red Hat in a patent infringement lawsuit filed by Software Tree LLC asserting a patent related to object-relational mapping (ORM) software. Case settled shortly before trial. *Software Tree LLC v. Red Hat Inc. et al.*, No. 6:09-cv-00097 (E.D. Tex. filed Mar. 3, 2009).

Represented Wachovia Bank, Branch Banking & Trust Company, M&T Bank and Comerica Bank against DataTreasury in patent infringement suits in the Eastern District of Texas. The patents at issue involved various technologies, including telecommunications, electronic payment and clearing systems, software, business methods, and electrical and mechanical devices. The plaintiff in these cases sued more than 40 defendants, including many leading banks and financial institutions. Cases settled in 2009 and 2010 shortly before trial. *DataTreasury Corp. v. Wachovia Corp., et al.*, No. 05-0293 (E.D. Tex. filed June 28, 2005) and *DataTreasury Corp. v. Wells Fargo & Co., et al.*, No. 06-0072 (E.D. Tex. filed Feb. 24, 2006).

Represented Ring Container Technologies, LLC in offensive patent infringement action against a competitor in the Eastern District of Texas regarding packaging technology. After engaging in early fact discovery, the dispute favorably resolved in a private mediation before Judge David Folsom (ret.). *Ring Container Technologies, LLC v. Altium Packaging LP*, No. 2:21-cv-464 (E.D. Tex.).

Education

University of Florida College of Law J.D. (2008) *with honors*

Georgia Institute of Technology B.S. (2005) Electrical Engineering, *with honors*

Admissions

Georgia (2018)

North Carolina (2008)

Court Admissions

U.S. Court of Appeals for the Federal Circuit (2012)

U.S. District Court for the Eastern District of Texas (2012)



U.S. District Court for the Middle District of North Carolina (2008)

U.S. Patent and Trademark Office (2008)

Professional & Community Activities

North Carolina Bar Association, Intellectual Property Law Section Newsletter, Co-Editor

Winston-Salem Youth Chorus, Board of Directors, Member

One West Fifth Street Homeowners' Association, Board Member and Treasurer

Insights

[News Releases](#)

Kilpatrick Continues to Earn Impressive Rankings in Annual IAM Patent 1000

July 1, 2024

[Events](#)

Advanced Patent Law Seminar

February 13, 2024

[Publication](#)

What Is The Proper Breadth Of An IPR Reply?

September 11, 2023

[Publication](#)

The Federal Circuit Further Defines the Contours of the APA's Procedural Safeguards at the PTAB

August 12, 2021

[Perspectives](#)

KT Client Success | \$100 Million Win for Client GREE in Mobile Gaming Patent Clash

June 11, 2021