



Michael K. Erickson

Shareholder

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Practice Areas

Appellate Practice
Intellectual Property
Litigation

Mike Erickson is an intellectual property litigator who represents a wide variety of technology-focused clients in the software, computer, and internet industries. Mr. Erickson's practice encompasses all areas of IP litigation, including patent, copyright, trademark, unfair competition, and trade secret matters. He has represented hi-tech startups, university technology offices, and market leaders in complex IP lawsuits across the country. Prior to practicing law, Mr. Erickson developed software for Sandia National Laboratories, a national security laboratory in the Department of Energy's National Nuclear Security Administration.

Representative Cases

- Advanced Recovery Sys., LLC v. American Agencies, LLC, 2:13-cv-00283 (D. Utah 2017). Obtained \$4.75 million judgment in jury trial on counterclaims for interference with software contract, theft of trade secrets, and copyright infringement, among others.
- Orca Health, Inc. v. 3D4Medical Ltd., 2:17-cv-00005 (D. Utah 2017). Enforced Orca Health's intellectual property rights to patient education software apps utilizing 3D virtual anatomy.
- Orbit Irrigation Prods. Inc. v. Sunhills LLC, No. 100700404 (Utah 2d. Dist. Ct. 2016). Obtained favorable jury verdict on claims for theft of trade secrets, defamation, and trademark infringement.
- Choose Energy, Inc. v. American Petroleum Institute, 2016 WL 1056140 (N.D. Cal. Mar. 17, 2016). Enforced Choose Energy's trademarks against API's use of marks for political advertising; brought successful Rule 59(e) motion to overcome alleged First Amendment and anti-SLAPP defenses.
- Utah State Univ. v. Avepoint, Inc., 1:15-cv-00056 (D. Utah 2015). Enforced Utah State University's intellectual property rights to Internet tool for evaluating website accessibility for users with disabilities.
- Zygot Media Group, Inc. v. Moorefilm Ltd., 2014 WL 12600134 (D. Utah Apr. 3, 2014). Obtained



preliminary injunction (enjoining sales on App Store) on claim for copyright infringement.

- Facebook, Inc. v. Mitel Networks, Corp., 4:12-cv-04230 (N.D. Cal. 2013). Defended Mitel against claims of patent infringement concerning Internet and telephony presence technologies.
- Zygote Media Group, Inc. v. Elsevier, Inc., 2:10-cv-00289 (D. Utah 2011). Enforced Zygote Media Group's copyrights in 3D virtual anatomy.
- 1-800 Contacts Inc. v. Lens.com, 2:07-cv-591, 755 F. Supp. 2d 1151 (D. Utah 2010), aff'd in part, rev'd in part, 722 F.3d 1229 (10th Cir. 2013). Defended Lens.com against trademark infringement claims concerning Google AdWords.
- nHance Technologies, Inc. v. TRAX, LLC, 6:09-cv-18 (W.D. Va. 2010). Defended TRAX against copyright infringement claims concerning power-plant modeling software.
- Hospital Systems Corp. v. Novarad Corp., 2:07-cv-389 (E.D. Tex. 2009). Defended Novarad against patent infringement claims concerning JPEG2000 image compression.

EDUCATION

J. Reuben Clark Law School, Brigham Young University, J.D.

- cum laude
- Executive Editor, BYU Law Review

University of Texas at Austin, B.S., Computer Sciences

PRIOR PROFESSIONAL EXPERIENCE

- Associate, Knobbe Martens Olson & Bear LLP
- Software Engineer, Sandia National Laboratories, Department of Energy, National Nuclear Security Administration

ADMITTED TO PRACTICE

- Utah State and Federal Courts
- California State and Federal Courts
- United States Court of Appeals, Federal Circuit
- United States Court of Appeals, 10th Circuit
- United States Court of Appeals, 9th Circuit



- United States Supreme Court
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PROFESSIONAL AND CIVIC ACTIVITY

- Chair-Elect, Intellectual Property Section, Utah State Bar
 - Co-Master, David K. Winder Intellectual Property Inn of Court
 - Volunteer, Utah State Bar Pro Bono Commission
 - Volunteer, Third Judicial District Child Support Proceedings
 - Member, Federal Bar Association
 - Member, J. Reuben Clark Law Society
 - Mentor, Volunteers in Parole, Orange County, California
 - Delegate, State Party Convention
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PUBLICATIONS / PRESENTATIONS

- "In-House Panel - What Keeps Corporate Counsel Up at Night?," moderator, Utah IP Summit, Feb. 2018
- "Demand Letter Traps," co-presenter, David K. Winder IP Inn of Court, Feb. 2018
- "Movie Filtering and the VidAngel Case," presenter, Utah State Bar IP Section, Jan. 2017
- "DMCA Tug-of-War: Balancing the Interests of Rightsholders, Users, and ISP's," panelist, BYU Copyright Symposium, Nov. 2017
- "Trademark Litigation and the First Amendment," presenter, Utah State Bar IP Section, Jan. 2017
- "Inter Partes Review," co-presenter, David K. Winder IP Inn of Court, Apr. 2016
- "Copyright Litigation," presenter, Utah State Bar IP Section, May 2013
- "Applying Copyright Fundamentals to 21st Century Technologies," presenter, Utah State Bar Spring Convention, Mar. 2013
- "Under the Hood of Meshwerks v. Toyota," presenter, Knobbe Martens, Aug. 2008
- "Microsoft v. AT&T," presenter, Knobbe Martens, Sept. 2007
- "Resolving Domain Name Disputes: UDRP & ACPA," moderator, Knobbe Martens, Aug. 2007
- "Noncopying Alterations," presenter, Orange County Bar Association IP Section, Dec. 2006



RAY QUINNEY
& NEBEKER

- "Storage Tech. Corp. v. Custom Hardware Eng'g & Consulting, Inc.," co-author, European Intellectual Property Review, Vol. 28, Issue 4, Apr. 2006
- "Emphasizing the Copy in Copyright," author, 2005 BYU L. REV. 1261