

Michael R. Rhodes

Partner, San Francisco



PHONE: 415-573-1874
mrhodes@desmaraisllp.com

FAX: 415-573-1901

Michael Rothschild Rhodes represents both defendants and plaintiffs in complex technology disputes, most often patent litigations. Mr. Rhodes has experience in all phases of litigation from pre-complaint diligence through trial, including pre-litigation analysis, conducting discovery, motion practice, arguing at hearing, and examining witnesses at trial. Mr. Rhodes has litigated in a broad range of District Courts, including the Northern District of California, Eastern District of Texas, Western District of Texas, District of Delaware, District of Massachusetts, Southern District of New York, and the Western District of Washington. Additionally, Mr. Rhodes is a registered patent attorney who has worked on numerous *inter partes* and *ex parte* patent office proceedings. Mr. Rhodes has litigated a broad range of technologies, including networking equipment, collaboration platforms, data center servers, E-commerce systems, storage devices, digital cameras, Bluetooth beacons, semiconductor fabrication, and programmable interfaces.

Recently, Mr. Rhodes tried a two-week-patent-jury trial in the **District of Massachusetts for Cisco Systems, Inc.** against plaintiff Egenera, Inc. At trial, Mr. Rhodes generally assisted the trial team with all aspects of the presentation, including by conducting a cross and direct examination. For example, Mr. Rhodes prepared Cisco's corporate representative fact witness for more than an hour of cross-examination, and Mr. Rhodes examined that same witness through both a friendly cross examination and a direct examination to elicit Cisco's non-infringement trial themes. The Desmarais LLP trial team won a complete non-infringement defense verdict for Cisco, beating back a claim for more than 370 million dollars and treble damages. This was the second trial in this dispute. Mr. Rhodes was also a member of the **2019 trial team that successfully invalidated one of Egenera's patents** at the District Court level through a three-day bench trial. In that trial, the Desmarais LLP trial team proved through multiple adverse cross examinations that a true inventor of Egenera's patent had been improperly removed from the cover of the patent, and that the patent was invalid due to this inventorship defect. Prior to these trials, Mr. Rhodes litigated and helped prepare the matter for the trial since Egenera originally filed suit in 2016. Mr. Rhodes worked on all aspects of the pre-trial litigation, including by helping

EDUCATION

Columbia Law School, J.D., 2015,
Society for Law, Science, and
Technology, Law Revue Play,
Science and Technology Law
Review, Pro Bono Scholar

Duke University, B.S.E., Electrical
and Computer Engineering, and
Economics, 2012, Walton Scholar

ADMISSIONS

2015, New York

2017, California

Registered to practice before the
United States Patent and
Trademark Office

to draft a successful motion to dismiss one of Egenera's patents pursuant to 35 U.S.C. § 101 and by providing input to an *inter partes* review petition that invalidated another one of Egenera's patents.

Mr. Rhodes also works on *pro bono* matters. As one example, Mr. Rhodes represented an indigent defendant in an assault case and won a complete summary judgment defense for him. Before winning the case, Mr. Rhodes conducted discovery, took and defended depositions, drafted briefs, and argued before the judge.

Before joining Desmarais LLP, Mr. Rhodes attended Columbia Law School.

At Columbia, Mr. Rhodes was a *pro bono* scholar, and Mr. Rhodes conducted dozens of mediations in Equal Employment Opportunity Commission discrimination cases. Mr. Rhodes was able to facilitate multiple settlements and case resolutions. Mr. Rhodes was also on Columbia's Science and Technology Law Review, a journal that publishes articles related to intellectual property law and other issues at the intersection of law and technology. Mr. Rhodes also competed in the moot court competition and was an actor in Columbia Law School's comedic play, the Law Revue.

Courts:

- United States District Court of the Northern District of California
- United States District Court of the Southern District of New York

Representative Matters

- Represented Cisco against Egenera in a patent infringement litigation involving data center server technology.
- Represented IBM against Rakuten in a patent infringement litigation involving E-commerce technology.
- Represented Cisco against Uniloc in two patent infringement litigations involving chatting applications, Bluetooth message transmission, and energy efficiency technology.
- Represented Cisco against Arista Networks in antitrust case involving switching and routing technology.
- Represented Intellectual Ventures against Canon in a patent infringement litigation involving digital camera technology.
- Represented Round Rock Research against Nintendo and Ricoh in patent infringement litigations involving semiconductor fabrication technology.

Publications

- August 15, 2022 – Mr. Rhodes was part of a Desmarais LLP trial team that won a jury verdict of non-infringement against plaintiff Egenera after a two-week jury trial in Boston, Massachusetts. Egenera had sought more than \$370 Million in damages and requested treble damages . [See article – Law360](#)
- May 22, 2019 – Mr. Rhodes was part of a Desmarais LLP trial team that successfully invalidated plaintiff Egenera's patent at the District Court level. [See article - Law360](#)

- August 6, 2018 – Mr. Rhodes was part of the Desmarais LLP team that represented Cisco in its antitrust case against Arista Networks. Arista eventually paid Cisco \$400 Million to settle this dispute and some other intellectual property disputes, that the parties disputed in parallel proceedings. [See article - Reuters](#)
- December 15, 2015 – Mr. Rhodes was part of the Desmarais LLP team that represented Round Rock Research in asserting its semiconductor fabrication portfolio. RPX licensed these patents on behalf of its member for more than \$100 Million. [See article - PR Newswire](#)
-