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Mike Klisch

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Biotechnology
Commercial Litigation
Antitrust Litigation and Enforcement
Securities Litigation + Enforcement
Trade Secret Litigation and Dispute Counseling

Mike focuses his work on litigation and has substantial first chair trial experience in federal and state courts across the US. Additionally, he has an active appellate practice, with complete victories in the US Court of Appeals for the Fourth Circuit, the US Court of Appeals for the Fifth Circuit, and the US Court of Appeals for the Eleventh Circuit, as well as numerous state supreme courts. Mike has also litigated to judgment many arbitrations before the American Arbitration Association (AAA), the International Chamber of Commerce (ICC) and the International Institute for Conflict Prevention & Resolution (CPR).

Recognized by Best Lawyers in America, Mike's far-reaching litigation practice covers numerous areas of the law, including antitrust, securities, complex commercial transactions, internet, contracts, trade secrets, unfair trade practices, torts, corporate governance, copyright and trademark. His generalist approach has positioned him to be a dependable, sought out counselor for bet-the-company cases. In recent years, Mike has emphasized representing biopharmaceutical companies in high-stakes matters, including those involving clinical trials, vaccines, drug development and manufacturing.

Mike's representative matters include:

- *Inovio Pharma., Inc. v. GeneOne Life Science Inc., et al.:* lead trial counsel for plaintiff in an action stemming from the defendants' breach of a biotech technology transfer provision in the parties' supply agreement (resulting in an $81 million trial verdict in the plaintiff's favor)
- *Techfields Pharmacy Co., Ltd. v. Covance, Inc., et al.*: lead counsel for defendant in an action seeking $2 billion+ for alleged breach of a clinical trial services agreement (settled)
- *Thermo Fisher Scientific PSG Corp. v. Arranta Bio MA, LLC*: lead counsel for defendant in an action seeking damages for breach of a plasmid development agreement (settled)
- *Brammer v. Johnson & Johnson*: lead counsel for complainant in an AAA arbitration seeking $150 million+ in damages for alleged breaches of a COVID-19 vaccine manufacturing agreement (settled)
- *Cardiorentis AG v. IQVIA Ltd.* (US): lead counsel for defendant in an action seeking $400+ million for alleged breaches of a clinical trial contract, fraud and deceptive trade practices (case against defendant dismissed, affirmed by the North Carolina Supreme Court)
- *Cardiorentis AG v. IQVIA Ltd & Anor* (UK): lead counsel for defendant in an action seeking $300+ million for alleged breaches of a clinical trial contract (bench trial verdict in favor of defendant on all counts, plus $12 million+ fee and cost award)
- *Procaps S.A. v. Patheon Inc. et al.*:lead counsel for defendant in an action seeking $380 million for

alleged breaches of a pharmaceutical collaboration contract and violations of Section 1 of the Sherman Act and numerous state law claims (summary judgment in defendant's favor on all claims, affirmed by the 11th Cir.; district court awarded defendant $18.5 million in fees and costs)

- Confidential ICC arbitration: lead trial counsel for respondent defending a $140 million breach of contract claim (ruling in favor of respondent on all claims)
- Confidential litigation settlement: lead trial counsel for plaintiff in a lawsuit alleging breach of oral contract ($20 million settlement in plaintiff's favor)
- *SigmaPharm, Inc. v. Mutual Pharmaceutical Company, Inc. et al.*: lead counsel for defendant in an action seeking $150 million for alleged violations of antitrust laws, unfair competition, unlawful restraint of trade and breach of contract (all claims dismissed, affirmed by US Court of Appeals for the Third Circuit)
- *Powell v. Medtronic Inc. et al.:* lead counsel for defendant in an action seeking preliminary and permanent injunctions for alleged trade secrets violations (no injunctive relief obtained by plaintiff)
- *K2M, Inc. v. Reliant, LLC*: lead counsel for plaintiff in an action alleging misappropriation of trade secrets, fraud and breach of restrictive covenants (preliminary and permanent injunctions obtained)
- *Priority One Services, Inc. v. W&T Travel Services, LLC*: lead trial counsel for plaintiff in an action alleging wrongful termination of a subcontract (multimillion-dollar judgment, including fees and costs, in plaintiff's favor)
- *In re Cysive, Inc. Shareholders Litigation*: lead trial counsel for corporate officers in a class action shareholder derivative suit challenging a "going private" merger (verdict dismissing all claims)
- *e4e, Inc. v. Sircar*: lead trial counsel for plaintiff in a shareholder derivative suit to enforce plaintiff's right to terminate the president and CEO for breaching his fiduciary duties (president and CEO resigned after trial)
- *Cysive, Inc. v. CorPay, Inc.*: lead trial counsel for plaintiff in an action alleging breach of a software development agreement and misappropriation of trade secrets (multimillion-dollar verdict in plaintiff's favor)
- *Sircar v. iSeva, Inc.*: lead trial counsel for defendant in an action to prevent a restructuring of the board of directors (settled after trial)
- *Clark v. Toth Financial, Inc., et al.*: lead trial counsel for defendant in an action alleging securities fraud (verdict dismissing 10 of 12 counts and 80% of plaintiff's damages claim)
- *Williams v. Markland, Inc.*: lead trial counsel for plaintiffs in an action alleging breach of a stock purchase agreement (multimillion-dollar verdict and settlement in plaintiffs' favor, plus all attorney's fees, affirmed by the Supreme Court of Virginia)
- *Wayman Wendell Cheatham, M.D. v. MannKind Corporation*: lead trial counsel for defendant in an action alleging fraud, retaliation and breach of an executive severance agreement (settled after jury deadlocked)
- *American Scheduling, Inc v. Radiant Systems, Inc*: lead trial counsel for plaintiff in an action alleging breach of an asset purchase agreement (multimillion-dollar verdict in plaintiff's favor, plus attorney's fees)
- *TREEV v. MSX*: lead trial counsel for plaintiff in an action alleging breach of a software license agreement (million-dollar verdict in plaintiff's favor, affirmed by US Court of Appeals for the Sixth Circuit)
- *Clanton v. Inter.Net Global, L.L.C.*: lead trial counsel for defendant in an action alleging corporate fraud and successor liability (all claims dismissed by the 11th Cir.)
- *Shadewell Grove IP, LLC v. Mrs. Fields Franchising, LLC*: lead trial counsel for plaintiff in an action alleging wrongful termination of trademark license agreements (settled after trial)
- *Thera-Kinetics v. Toronto Medical*: trial counsel for plaintiff in an action alleging tortious interference and misappropriation of trade secrets (multimillion-dollar verdict in plaintiff's favor)
- *American WholeHealth v. Whole Foods Market*: lead counsel for plaintiff in an action alleging breach of an internet development and content license agreement (multimillion-dollar settlement in plaintiff's favor)
- *Dual, Inc. v. Symvionics, Inc.*: lead counsel for defendant in an action alleging breach of a teaming

agreement to design a flight simulator (summary judgment in defendant's favor on all claims, affirmed by the 4th Cir.)

- *Cablevision Systems v. Excite@Home*: represented defendant in an action to prevent a corporate restructuring (all claims against defendant dismissed)
- *NPS LLC v. StubHub, Inc.*: represented defendant in an action asserting tortious interference with New England Patriots' season ticket holders (confidential settlement)
- *Washington Post.Newsweek Interactive Company, LLC, et al. v. The Gator Corporation*: lead counsel for defendant in an action alleging trademark and copyright violations concerning defendant's pop-up ads (confidential settlement)
- *In re The Gator Corporation Software Trademark & Copyright Litigation:* represented defendant in a first-impression trademark and copyright internet advertising pop-up ad action brought by various parties, including United Parcel Service of America, L.L. Bean, Inter-Continental Hotels, LendingTree, The Hertz Corp., Extended Stay, Galileo International, TigerDirect (confidential settlement)

Education

Syracuse University College of Law JD, magna cum laude, 1990

James Madison University BS, 1986

Admissions & Credentials

District of Columbia

Virginia

Court Admissions

US Court of Appeals for the Fourth Circuit

US Court of Appeals for the Sixth Circuit

US Court of Appeals for the Eleventh Circuit

Virginia Supreme Court

US District Court for the District of Columbia

US District Court for the Eastern District of Virginia

US District Court for the Eastern District of Michigan

US District Court for the Northern District of Illinois

Rankings & Accolades

The Legal 500 US: General Commercial Disputes (2025)

Best Lawyers in America