

Mike Klisch

Partner



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Biotechnology

Commercial Litigation

Antitrust Litigation and Enforcement

Issues and Appeals

Securities Litigation + Enforcement

Trade Secret Litigation and Dispute Counseling

Venture Capital Litigation and Dispute Counseling

Mike Klisch is a litigation partner with substantial first chair trial experience covering a diverse range of issues in federal and state courts throughout the US. He also has an active state and federal court appellate practice, including complete victories in the 4th, 5th and 11th Circuits and the Virginia and North Carolina State Supreme Courts. Beyond his courtroom experience, Mike has litigated to verdict numerous arbitrations before the AAA, ICC and CPR.

Recognized by Best Lawyers in America for his litigation work, Mike's far-reaching practice covers numerous substantive areas of the law, including antitrust, securities, complex commercial transactions, Internet, contracts, trade secrets and unfair trade practices, business torts, corporate governance, employment, copyright and trademark. Mike's generalist approach to his practice has positioned him to be a dependable, sought out counselor for companies no matter the issue. In recent years, Mike has had a particular emphasis on representing bio science and pharmaceutical companies in high stakes litigation and arbitration matters, including those involving clinical trials, winning multi-year disputes for companies like IQVIA, Patheon and Mutual Pharmaceutical.

Representative matters include:

- *Cardioentis v. IQVIA*: Lead counsel for IQVIA in action seeking \$400+ million for alleging breaches of clinical trial contract, fraud and deceptive trade practices (case dismissed), affirmed by the North Carolina Supreme court.
- *IQVIA v. Cardioentis*: Lead counsel for IQVIA in action seeking \$300+ million for alleging breaches of clinical trial contract (bench trial verdict in favor of IQVIA on all counts plus award of attorney's fees).
- *Procaps S.A. v. Patheon, Inc.*: Lead counsel for defendant in action seeking \$380 million for alleged breaches of pharm service contract and violations of Section 1 of the Sherman Act and numerous state law claims (summary judgment entered in defendant's favor on all claims, affirmed by the 11th Circuit Court of Appeals), after which the district court awarded defendant \$18.5 in fees and costs as the prevailing party.
- Confidential International Arbitration: Lead trial counsel for respondent defending \$140 million breach of a contract claim, resulting in ruling in favor of respondent on all claims.
- Confidential Litigation Settlement: Lead trial counsel for plaintiff in lawsuit alleging breach of oral contract, resulting in \$20 million settlement in plaintiff's favor.
- *SigmaPharm, Inc. v. Mutual Pharmaceutical Company, Inc.*: Lead counsel for defendant in 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 Third Circuit Court of Appeals). View coverage of the matter [here](#).

- *Medtronic, Inc. v. K2M, Inc.*: Lead counsel for defendant in an action seeking preliminary and permanent injunction for alleged trade secrets violations (no injunctive relief obtained by plaintiff).
- *K2M, Inc. v. Reliant, LLC*: Lead counsel for plaintiff in action alleging misappropriation of trade secrets, fraud and breach of restrictive covenants (preliminary and permanent injunction obtained).
- *Priority One Serv., Inc. v. W&T Travel Serv., Inc.*: Lead trial counsel for plaintiff in action alleging wrongful termination of subcontract (multi-million dollar judgment, including attorney's fees and costs, in favor of plaintiff).
- *In re Cysive Shareholders Lit.*: 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 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 suit (multi-million 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 action alleging breach of a stock purchase agreement, notes and executive severance agreements (multi-million dollar verdict and settlement in plaintiffs' favor plus all attorney's fees) (affirmed by the Supreme Court of Virginia).
- *Cheatham v. MannKind, Inc.*: Lead trial counsel for defendant in an action alleging wrongful termination, retaliation and breach of an executive severance agreement (settled after jury deadlocked).
- *American Scheduling, Inc. v. Radiant Systems, Inc., et al.*: Lead trial counsel for plaintiff in an action alleging breach of asset purchase agreement (multi-million dollar verdict in plaintiff's favor plus attorney's fees).
- *TREEV, Inc. v. MSX, Inc.*: Lead trial counsel for plaintiff in action alleging breach of a software license agreement (million dollar verdict in plaintiff's favor) (affirmed by Sixth Circuit Court of Appeals).
- *Clanton, et al. v. Inter.net, Inc., et al.*: Lead trial counsel for defendant in an action alleging corporate fraud and successor liability (all claims dismissed by the Eleventh Circuit Court of Appeals).
- *Shadewell Grove IP v. Mrs. Fields Cookies*: Lead trial counsel for plaintiff in action alleging wrongful termination of trademark license agreements (settled after trial). *Thera-Kinetics, Inc. v. Toronto Medical, Inc.*: Trial counsel for plaintiff in an action alleging tortious interference and misappropriation of trade secrets (multi-million dollar verdict in plaintiff's favor).
- *American WholeHealth, Inc. v. Whole Foods Market, Inc.*: Lead counsel for plaintiff in an action alleging breach of an Internet development and content license agreement (multi-million dollar settlement in favor of plaintiff).
- *Dual, Inc. v. Symvionics, Inc.*: Lead counsel for defendant in an action alleging a breach of a teaming agreement to design a flight simulator (summary judgment in defendant's favor on all claims) (affirmed by the Fourth Circuit Court of Appeals).
- *Cablevision Systems, Inc. v. Excite@Home, Inc.*: Represented defendant in an action to prevent a corporate restructuring (all claims against defendant dismissed).

- *New England Patriots v. StubHub, Inc.*: Represented defendant in an action asserting tortious interference with plaintiff's relationships with season ticket holders (confidential settlement).
- *Washington Post, et. al v. Gator Corp.*: 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 first impression trademark and copyright Internet advertising pop-up ad action brought by various parties, including United Parcel Service of Amer. Inc., L.L. Bean, Inc., Inter-Continental Hotels Corp., LendingTree Inc., The Hertz Corp., Extended Stay, Inc., Galileo International, TigerDirect, Inc. (confidential settlement).

Education

Syracuse University College of Law
JD, 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

Best Lawyers in America

Legal 500