

Michael M. Polka

Associate Attorney

mpolka@gibsondunn.com

T: +1 650.849.5370

Palo Alto

Michael Polka is an associate in the Palo Alto office of Gibson, Dunn & Crutcher, practicing in the firm's Intellectual Property group.

His practice has focused on intellectual property litigation representing both plaintiffs and defendants in patent, trademark, and copyright infringement matters, in front of federal courts and the U.S. Patent and Trademark Office. He has experience with litigation at all phases and has been a member of three trial teams. Michael has represented clients in a variety of industries including energy production, pharmaceuticals, consumer goods, mechanical and chemical industrial processing, automotive, aviation, network security, and cryptocurrency.

He received his Bachelor of Science in Mechanical Engineering with honors from the University of Texas in 2006. Michael then practiced as an engineer with General Electric in its nuclear energy division, where he graduated from the Edison Engineering Development Program and focused primarily on software development relating to nuclear fuel safety and performance, while also obtaining his Master of Science in Mechanical Engineering from North Carolina State University in 2010. He left GE to attend law school, graduating *cum laude* from Fordham University School of Law in 2016.

Michael is admitted to practice in California, New York, and before the U.S. Patent and Trademark Office, the Courts of Appeal for the Second, Ninth, and Federal Circuits, the Southern and Eastern Districts of New York, the Southern and Eastern Districts of Texas, and the Northern District of Ohio.

He was also a longtime member of the New York City Bar Association Committee on Patents (2014–2023).

Selected Matters:

- Represented TC Heartland against allegations of patent infringement by Kraft at all stages of the litigation including the successful correction of patent venue law at the U.S. Supreme Court
- Represented Costco in successfully defending an eighteen-patent infringement suit regarding high-end windshield wipers, securing the invalidity of nearly all patents through *inter partes* review
- Contributed to *amicus curiae* briefs in support of the prevailing parties for IBM and Red Hat in *Google v. Oracle*, and the High Tech Inventors Alliance in *Helsinn v. Teva*
- Assisted a special purpose acquisition company in connection with its \$3.3 billion merger with QuantumScape, an electric vehicle battery supplier backed by Volkswagen, by evaluating the strength of its patent portfolio



Capabilities

Intellectual Property
Energy and Infrastructure
Litigation
Media, Entertainment, and Technology
Power and Renewables
Technology Litigation
Technology Transactions
Trials

Credentials

Education

Fordham University - 2016 Juris Doctor
North Carolina State University - 2010
Master of Science
University of Texas - 2006 Bachelor of
Science

Admissions

New York Bar
California Bar

- Obtained a complete jury verdict for Areva against Babcock & Wilcox in a contract and trade secrets dispute regarding nuclear energy technology
- In the aftermath of *TC Heartland*, achieved transfer of venue through a *mandamus* petition for SNF, the world's largest manufacturer of water-soluble polymers, to its home state, thereafter securing summary judgment of invalidity of the patent asserted by BASF
- Advised a large generic drug manufacturer regarding the effects of at-risk market entry and affirmative claims against a branded drug manufacturer in a pay-for-delay scheme
- Defeated a motion for preliminary injunction against Lutron by demonstrating a likelihood that the asserted patent was invalid

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