



## Jane Michaels

### Senior Counsel

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**Jane helps her clients protect and defend their intellectual property and business enterprises in courtrooms and arbitration proceedings around the country.**

With decades of experience as a trial lawyer, she provides reliable counsel to companies of all sizes, from small start-ups to large corporations.

Jane has successfully handled dozens of trademark, trade secrets, patent, and copyright cases, obtaining injunctive relief and damages to enforce the valuable intellectual property rights of her clients and defending infringement claims brought against her clients. She has won numerous complex jury trials and bench trials in business disputes, in both IP and commercial litigation. She advises clients across multiple industries, including telecommunications, computers/electronics, internet and e-commerce, biotech, financial, publishing, manufacturing, medical, food & beverage, entertainment, sports, real estate, and oil and gas.

Jane is also a certified arbitrator and mediator and has handled dozens of alternative dispute resolution proceedings in intellectual property and commercial cases.

Jane Michaels is Senior Counsel with Holland & Hart in Denver, Colorado. She currently focuses her practice on alternative dispute resolution and serves as an arbitrator and mediator in commercial and intellectual property disputes. Jane is a Fellow of the College of Commercial Arbitrators and the National Academy of Distinguished Neutrals. As the former Chair of Holland & Hart's Trial Practice and with more than 30 years of experience as a trial lawyer, Jane has successfully represented clients in hundreds of complex business and technology cases in courtrooms around the country. Jane was inducted as a Fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, and the International Society of Barristers. She was selected for inclusion in Lawdragon's "*Leading Lawyers in America*" Hall of Fame. She was President of the Denver Bar Association during its centennial year. Jane holds a B.A. degree from Wellesley College, an M.A.T. degree from Harvard University, and a J.D. degree from Boston University. She served for many years on the Board of Directors of the Rocky Mountain Children's Law Center, which provides *pro bono* legal representation, crisis management, and systemic reform advocacy on behalf of abused, neglected and trauma-impacted children throughout the Rocky Mountain region.

### PRACTICES

Intellectual Property Litigation  
Global Trademark Brand Management  
Intellectual Property  
Trade Secrets and Non-Competes

### INDUSTRIES

Healthcare

### EDUCATION

Boston University, J.D.  
*cum laude*; Law Review

Harvard University, M.A.T.  
with Honors

Wellesley College, B.A.  
with Distinction

### BAR ADMISSIONS

Colorado

### COURT ADMISSIONS

United States Supreme Court  
U.S. Court of Appeals for the Federal Circuit  
U.S. Court of Appeals, Tenth Circuit  
U.S. Court of Appeals, Sixth Circuit  
U.S. Court of Appeals, Fourth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the District of Columbia  
USDC Eastern District of Texas  
USDC District of Colorado

### EXPERIENCE

- Alternative Dispute Resolution
- Arbitration
- Mediation
- Early Neutral Evaluation
- Strategic Advisor and Counselor
- Intellectual Property Litigation
- Patent Litigation
- Trademark Litigation
- Trade Secrets Litigation
- Copyright Litigation
- Commercial Litigation

## CLIENT RESULTS

### Arbitrations

#### **Service as an arbitrator in the following disputes:**

- Numerous misappropriation of trade secrets disputes.
- Numerous disputes involving royalties owed under patent licenses or other technology licensing agreements.
- Numerous disputes involving trademark infringement.
- Disputes involving delivery, performance, reliability and cost of computer software.
- Disputes involving breach of contract.
- Disputes involving business torts.
- Disputes involving joint ownership of patented technology.
- Disputes involving termination of computer services agreements.
- Dispute involving management of limited liability company and purchase price of departing member's interest.
- Dispute involving alleged misappropriation of trade secrets and deceptive trade practices in medical device industry.
- Dispute involving breach of co-existence agreement regarding concurrent use of marks.
- Dispute involving breach of multi-million dollar sports management contract.
- Dispute involving alleged breach of non-disclosure agreement and misappropriation of trade secrets arising out of aborted acquisition of a competing company.

### Mediation

#### **Service as a mediator facilitating settlement of the following disputes:**

- Numerous disputes involving breach of contract in a diverse range of industries.
- Numerous disputes involving misappropriation of trade secrets and business torts.
- Numerous licensing and royalty disputes.
- Numerous disputes arising out of patent infringement.
- Disputes involving valuation of property.
- Dispute involving breach of exclusive distributorship contract.
- Dispute involving misappropriation of marine equipment designs that were used to start a competing company.
- Dispute involving dissolution of a law firm.
- Patent infringement dispute involving box folding machine.
- Dispute involving misappropriation of trade secrets in software.
- Dispute between beneficiaries of a large, complex estate.
- Dispute concerning trademark infringement in data security services market.
- Dispute between parties to a Cooperative Research & Development Agreement regarding innovative alternative energy project.

## **Intellectual Property Litigation**

### **Technology**

- Lead trial counsel for a prominent vacation timeshare exchange company in its successful defense of plaintiff's suit for patent infringement of a computer-implemented business methods patent involving procedures for trading timeshare interests. The court granted our client's motion to dismiss and invalidated plaintiff's patent for failure to claim patentable subject matter.
- As lead trial counsel, successfully defended a computer storage device manufacturer in a patent infringement action. Obtained a defense verdict and won a jury verdict for all damages sought on our client's counterclaim. The judge doubled the damages awarded to our client.
- Lead trial counsel for an international software company in a suit against a competitor for misappropriation of trade secrets. The resulting jury verdict was one of the largest in U.S. history in a computer software piracy case.
- Trial counsel for a global software developer in a billion dollar case involving misuse of copyrights, breach of contract, and antitrust claims.
- Lead trial counsel for defendant and counterclaimant in protracted patent infringement litigation involving Voice over Internet Protocol (VoIP). Parties reached a confidential global settlement.
- Represented defendant in a patent infringement case involving

computer chip technology. Our client prevailed on a motion to dismiss.

- Lead trial counsel representing an internet company in the successful defense and settlement of a patent infringement suit involving digital image compression technology.
- Lead trial counsel for clients in patent infringement cases involving telecommunications, Internet, and computer software technologies. Experience includes the defense of cases filed by non-practicing entities in federal courts around the country, including the Eastern District of Texas, the District of Delaware, the Southern District of New York, the Central District of California, and the District of Colorado.

### **Energy and Biotech**

- Trial counsel for plaintiff in a patent infringement action involving automatic drilling systems for oil and gas wells. After a two-week jury trial, the jury reached a verdict favorable to our client on all claims for relief; awarded plaintiff more than \$14 million in lost profits damages and found that the defendant had willfully infringed our client's patent. In post-trial proceedings, the court awarded supplemental damages and pre-trial interest, increasing the total damages award to \$19 million.
- Represented plaintiffs in the successful settlement of a multimillion dollar inventorship case involving pharmaceutical patents.
- Lead counsel for a biotech company in two lawsuits, successfully obtaining injunctions against defendants' misappropriation of the client's trade secrets.
- Lead counsel for a key executive of a biotech company in the successful defense and settlement of a multimillion dollar business torts case.

### **Manufacturing and Retail**

- Obtained summary judgment, affirmed by the Sixth Circuit Court of Appeals, on behalf of a consumer electronics retailer in trademark case involving key trademark infringement and dilution issues.
- Lead trial counsel for an online real estate brokerage service, obtaining permanent injunctive relief against defendant for copyright infringement.
- As lead counsel for an international food manufacturer, obtained summary judgment and permanent injunctive relief against defendant for trademark infringement.
- As lead counsel for a prominent online retailer of digital products, obtained permanent injunctive relief against copyright infringer.
- Lead counsel for plaintiff, favorably settling a multimillion dollar software performance case against one of the world's largest computer companies.
- Lead counsel for plaintiff in a breach of contract case involving patent royalties for fitness equipment. The case settled on terms

favorable to our client.

### **Commercial Litigation**

- Lead counsel for plaintiff, favorably settling a multimillion dollar software performance case against one of the world's largest computer companies.
- Lead counsel for plaintiff in a breach of contract case involving patent royalties for fitness equipment. The case settled on terms favorable to our client.
- Lead counsel for a key executive of a biotech company in the successful defense and settlement of a multimillion dollar business torts case.
- Successfully represented computer software purchasers and licensees in business cases involving deficient software performance in industries ranging from health insurance to accounting to telecommunications.

### **PUBLICATIONS**

"From the Courtroom to the Zoom Room," *Holland & Hart News Update*, 05/01/2020

"Effective Advocacy in Arbitration," *Colorado Lawyer*, April 2018

"Enforcing Arbitration Awards in Colorado," *Practical Law – A Thomson Reuters Publication*, 2016

"Practical Tips to Maximize the Benefits of Arbitration," *The Knowledge Group*, 2015

"Personal Memoir; Indelible Memories of My Clerkship with Judge William E. Doyle," *Denver Law Journal*, 2013

"Computerized Case Management: Trial Practice in the 21st Century," *International Commercial Litigation*, 1998

"The Other Side of Markman," *National Law Journal (Intellectual Property Issue)*, May 1996

"Rule 408: A Litigation Minefield," *ABA, Litigation Magazine*, Fall 1992

### **SPEAKING ENGAGEMENTS**

"Winning at Trial: Advocacy in Arbitration," *American College of Trial Lawyers Seminar*, November 2018

"Effective Advocacy in Arbitration," *Holland & Hart Seminar*, September 2016

"Practical Tips to Maximize the Benefits of Arbitration," *The Knowledge Group*, June 2015

"Understanding and Utilizing Arbitration Effectively," *Holland & Hart*

Seminar, November 2013

"Developing a Trade Secret Protection Plan," *11th Annual Rocky Mountain Intellectual Property & Technology Institute*, May 2013

"Trial Advocacy Tips: What Jurors Really Think," *Thompson Marsh Inn of Court*, February 2013

"Forty Years Since Keyes v. School District No. 1: Equality of Education Opportunity and the Legal Construction of Modern Metropolitan America," *DU Law Review Symposium*, January 2013

"An Update on the Perils of False Marking: Assessing the Risk," *9th Annual Rocky Mountain Intellectual Property & Technology Institute*, June 2011

"Examining the Key Elements of a Compelling Closing Argument," *Winning Trial Tactics and Skills, American College of Trial Lawyers, Colorado Chapter*, November 2010

"Obtaining and Resisting Injunctions in IP Cases: What Lawyers and Litigants Need to Know," *8th Annual Rocky Mountain Intellectual Property & Technology Institute*, June 2010

"Promoting & Protecting IP in Challenging Economic Times," *Panel Moderator, 7th Annual Rocky Mountain Intellectual Property & Technology Institute*, May 2009

"Developments in the Digital World: Blogs, User Created Content and Secondary Liability," *6th Annual Rocky Mountain Intellectual Property & Technology Institute*, June 2008

"IP Litigation Strategy," *Panel Moderator, 5th Annual Rocky Mountain Intellectual Property & Technology Institute*, May 2007

"Computer Software Litigation," *4th Annual Rocky Mountain Intellectual Property & Technology Institute*, June 2006

"Fundamentals of Trademark Law," *CLE International*, March 2006

"Trade Secrets," *Program Chair, Intellectual Property Week, CLE International*, June 2005

"Protecting Famous Trademarks: An Update on Dilution Claims," *Intellectual Property Week, CLE International*, June 2005

"Preparing the Federal Court Case for Trial," *Faculty of Federal Advocates*, December 2004

"Effective Motions Practice in Arbitration Proceedings," *American Arbitration Association, Continuing Legal Education Series*, October 2004

"Direct and Cross Examination of Expert Witnesses," *Colorado Bar Association CLE Program, "Successful Strategies for Winning Commercial*

*Cases in Federal Courts*", September 2003

"Privacy and Civil Liberties After the Passage of the Patriot Act," *Panelist on panel chaired by Arthur Miller, Harvard Law Professor*, September 2003

"Copyright Law in the Information Age: The Digital Dilemma," *American Corporate Counsel Association*, November 2000

"Keynote Address to New Admittees to the Colorado Bar," October 1999

## RECOGNITION

- *Benchmark Litigation*, Top 250 Women in Litigation, 2012-2020
- *Benchmark Litigation*, Local Litigation Star, 2010-2022
- *IAM Patent 1000—The World's Leading Patent Practitioners*, Gold-rated Patent Litigator in Colorado, 2012, 2013, 2015, 2016
- *The Best Lawyers in America*® Lawyer of the Year, Litigation – Patent – Denver, 2012
- *The Best Lawyers in America*® Commercial Litigation, 1991-2024; Litigation - Intellectual Property, Litigation - Patent, 2011-2024
- *Lawdragon*, 500 Leading Lawyers in America, 2010-2011, 2013-2019; 2020 Hall of Fame Inductee; *Lawdragon*, 500 Leading Litigators in America, 2022-2024
- *Chambers USA*, Intellectual Property Litigation; Commercial Litigation, 2007-2017
- Who's Who in American Law
- Who's Who in Trademark Law
- Colorado Super Lawyers®, Intellectual Property Litigation, 2006-2017; ADR, 2018-2024
- Colorado Super Lawyers®, Top 25 Women Lawyers, 2006-2011; Top 50 Women Lawyers, 2012-2021
- Colorado Super Lawyers®, Top 50 Lawyers, 2009-2011; Top 100 Lawyers, 2012-2019
- *National Law Journal*, Top Ten Trial Lawyers in Colorado
- *5280 Magazine* Top Lawyers, Alternative Dispute Resolution; Civil Litigation, 2018-2020

## PROFESSIONAL AND CIVIC AFFILIATIONS

- American Bar Foundation, Fellow
- College of Commercial Arbitrators, Fellow
- American College of Trial Lawyers, Fellow
- International Academy of Trial Lawyers, Fellow
- International Society of Barristers, Fellow
- National Academy of Distinguished Neutrals

- American Arbitration Association, Certified Mediator and Arbitrator
- American Arbitration Association, Complex Commercial Arbitration and Mediation Panel Member
- International Centre for Dispute Resolution: Panel Member
- Litigation Counsel of America, Fellow
- Sandra Day O'Connor Institute for American Democracy, Board of Directors
- Board of Governors of the Colorado Bar Association, Former Member
- Board of Rocky Mountain Children's Law Center, Former Member
- Board of American Judication Society, Former Member
- Tenth Circuit Historical Society, Member
- U.S. Supreme Court Historical Society, Member
- Colorado and Denver Bar Associations, Past Vice President
- Board of Trustees of the Denver Bar Association, Former Member
- Denver Bar Association, Past President