

## Jon Michaelson

### Partner

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### Services

Asset Creation - Prosecution &

Counseling

Business & Finance

Cybersecurity, Privacy & Data

Governance

Complex Commercial Litigation

Alternative Dispute Resolution

Litigation

Trade Secrets

### Industries

Media & Entertainment

Technology

Health & Life Sciences

Jon Michaelson is the Managing Partner of the firm's Silicon Valley office. While he focuses his practice on complex commercial litigation, he has served as trial counsel – and in most instances lead trial counsel – in cases spanning a wide spectrum of disputes involving all forms of intellectual property, employment law, class actions, corporate governance and ownership controversies, disagreements arising from purchase and sale transactions, construction and real estate matters, competition law disputes, probate law, and other varieties of commercial litigation. He has experience dealing with a host of technologies, including semiconductor design and manufacture, broadcast equipment, aerospace systems, computers and electronic components, business application and entertainment software, video games, and medical devices and medical laboratory testing. Mr. Michaelson has appeared in federal and state courts throughout California, including in complex litigation departments in San Francisco, Santa Clara, and Los Angeles County Superior Courts, as well as in federal and state courts across the country. He has extensive experience in arbitration and other forms of alternative dispute resolution both in the U.S. and overseas.

Prior to joining the firm, Mr. Michaelson was the managing partner and founder of the Palo Alto, California office of an international law firm where he practiced intellectual property and commercial litigation. Previously, he was a partner at a regional law firm for over 20 years and then managing partner of the Palo Alto office of another international law firm.

While attending law school, Mr. Michaelson served as Articles Editor and Managing Editor of the *Industrial Relations Law Journal*.

Mr. Michaelson was recognized by *The Best Lawyers in America*<sup>®</sup> in 2021 and the three years immediately

preceding for Commercial Litigation.

## Experience

Lead counsel on team which tried successfully key issues in controversy between aerospace industry suppliers in Los Angeles County Superior Court. Following that decision, developed and negotiated an innovative settlement structure which allowed the firm's client to achieve its most essential business objectives without further protracted litigation and resulting expense.

Recovered for an Australian investor its principle, promised return, and interest in a binding arbitration with a small U.S. based venture fund and one of its portfolio companies. The case turned in the client's favor when a deep forensic analysis which we initiated revealed that the key electronic documents on which the opposition relied had been fabricated. The client also recovered all of its fees and costs incurred in the matter.

Obtained a judgment modifying a deed of trust executed in 1923 following a lengthy trial in Inyo County Superior Court. The deed of trust was the charter document for Deep Springs College, the smallest institution of higher learning in this country and until recently one of only four colleges with an all-male student body. Because of this judgment, upheld on appeal, the first female students matriculated at the College in the summer of 2018.

Lead trial counsel in controversy venued in the U.S. District Court for the Northern District of California involving ownership of a system for capturing facial motion used in the movie industry. *Shenzhenshi Haitiecheng Science and Technology Co., Ltd. v. Rearden LLC et al.*, No. 3:15-cv-00797 (N.D. Cal. filed Feb. 20, 2015). Adverse result for the client currently on appeal. Favorable interlocutory decision on issues of attorney-client privilege and Federal Circuit jurisdiction worthy of note. *In re Rearden, LLC*, 841 F.3d 1327, 1331-33 (Fed. Cir. 2016).

Headed team which successfully represented an e-commerce company defending claims of misrepresentation and overcharging brought under the California Unfair Competition and Consumer Legal Remedies laws. Summary judgment issued by the federal district court was affirmed by the Ninth Circuit Court of Appeals. *Baghdasarian v. Amazon.com, Inc.*, No. 05-cv-8060 AG (CTx), 2009 WL 4823368 (C.D. Cal. Dec. 9, 2009), *aff'd* 458 Fed. Appx. 622 (9th Cir. 2011).

Supervise handling of consumer complaints against large telecommunications service provider in Northern California state and federal courts, achieving rapid and cost-efficient resolution of these claims.

Successful representation in well over a dozen controversies between start-up enterprise co-founders and between founders and early stage investors. In most instances, allowing such issues to reach the litigation stage means the demise of the business concept or business involved, so effective legal intervention requires a

different set of skills than in the courtroom.

Lead counsel in multiple disputes over many decades arising from the sale, purchase, or licensing of technology. These cases involved allegations of defective or non-conforming products, allegations of improperly calculated payments, and/or allegations of product misuse. Several such disputes entailed contractual earn-out provisions and resulted in lengthy trials or arbitrations and damage recoveries in the tens of millions of dollars.

Defense of California-based employer clients against charges of wrongful termination, sexual harassment, and discrimination, as well as for violation of federal and state pregnancy disability laws. While most of these claims were defeated on summary judgment, Mr. Michaelson represented some clients to and through administrative proceedings or trial in these cases with favorable outcome.

Successful engagements, including as lead trial counsel, in multiple controversies involving charges of trade secret violation under state and federal law. Several of these situations required coordination with federal authorities seeking redress under the Economic Espionage Act.

Defended patent infringement cases involving semiconductors, other electronic components, software, and video broadcast equipment in the Northern District of California, the District of Utah, and the Eastern District of Virginia. All such cases were dismissed or resolved on terms favorable to the clients involved following successful motion practice.

Lead counsel for the prevailing party in *Birbrower v. Superior Court*, 17 Cal. 4<sup>th</sup> 119 (1998), *cert. denied*, 525 U.S. 920 (1999), considered to be one of the most significant decisions over the past few decades on the issue of unauthorized practice of law. In this case, an out of state law firm victimized a unsophisticated Silicon Valley software developer that was involved in a dispute with a publicly held computer company. After the client realized that it had been misled about the (lack of) strength of its position, it discharged the out of state lawyers and resolved the dispute itself. Then, however, the out of state lawyers sued to collect a multimillion dollar fee under a contingency agreement. Pursuing an untested theory, we raised a defense based on Business & Professions Code section 6125, which requires membership in the State Bar in order to provide legal services in California. The trial agreed that the out of state lawyers were not entitled to fees as a result, and this result was affirmed on appeal. In its opinion, the California Supreme Court provided guidelines which courts both within and outside the state have followed since in considering issues of the practice of law across state lines.

## **Education**

University of California, Boalt Hall School of Law J.D. (1978)

University of Texas at Austin M.A. (1973)

Pomona College B.A. (1969)



## Admissions

California (1978)

## Court Admissions

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Courts in all Districts of California

U.S. District Courts in various other states, including Colorado, Virginia, and Texas

U.S. Supreme Court

## Professional & Community Activities

Los Alto School District, Citizens Advisory Committee for Finance, Member, and Construction Review Committee, Member

Boy Scouts of America, Santa Clara County Council, Board of Directors, Former Member and Legal Counsel

## Insights

### [News Releases](#)

Kilpatrick Townsend Adds Prominent Partner to Complex Commercial Litigation Team in Silicon Valley  
February 2, 2021

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2021  
August 20, 2020

### [Alerts](#)

Impact of the COVID-19 Pandemic on Force Majeure Defenses Under California Law  
April 22, 2020

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020  
August 15, 2019

### [In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2019



August 20, 2018

[News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018

August 15, 2017

[News Releases](#)

Kilpatrick Townsend Launches KT Class Action Blog

January 19, 2017

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Kilpatrick Townsend Names Jon Michaelson Managing Partner of Silicon Valley Office

October 31, 2016