

Dario A. Machleidt

Partner

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Technology

Dario Machleidt is an experienced trial lawyer. He litigates patent cases involving a diverse mix of technologies for clients of all sizes and industries, ranging from solo inventors to some of the largest companies in the world. Mr. Machleidt has tried cases in state and federal courts as well as at the International Trade Commission.

Mr. Machleidt was a member of the Kilpatrick Townsend team that represented Dr. Barry in his patent infringement suit against Medtronic. Mr. Machleidt put on the first expert of the case and also cross-examined a Medtronic witness. After the seven-day trial, the East Texas jury found that Medtronic willfully infringed Dr. Barry's patents, rejected its invalidity defenses, and awarded Dr. Barry \$20.3 million. *The National Law Journal* recognized the verdict as one of the "Top 100 Verdicts of 2016." The Federal Circuit affirmed the decision in January 2019.

Earlier in his career, Mr. Machleidt served as a Special Deputy Prosecutor in the King County Prosecuting Attorney's Office. He served as co-trial counsel in five felony jury trials. Mr. Machleidt selected juries, presented opening statements and closing arguments, and examined numerous witnesses during his time as a Special Deputy Prosecutor.

Prior to joining Kilpatrick Townsend, Mr. Machleidt worked as an associate in the Seattle office of a national law firm. While there, he played a critical role in *Bowman v. Monsanto Co.*, a pro bono patent case that reached the U.S. Supreme Court. He was the only associate to chair the Supreme Court oral argument. During law school, Mr. Machleidt served as a judicial extern for Judge Randall R. Rader of the U.S. Court of Appeals for the Federal Circuit. He was also a Comments and Articles Editor of the *Pacific Rim Law & Policy Journal*.



Mr. Machleidt was recognized as a Washington "Rising Star" from 2012 to 2022 by *Super Lawyers* magazine. He was also recognized in 2022 as one of the "Best Lawyers: Ones to Watch" for Intellectual Property Litigation by *The Best Lawyers in America*®. Mr. Machleidt is listed in the 2022 and 2023 editions of *Chambers USA: America's Leading Lawyers for Business* as "Up and Coming" in the area of Intellectual Property. He is also active in the Washington legal community, serving on the executive committees of the Seattle IP Inn of Court and the Washington State Bar Association's IP Section.

Experience

Represented adidas AG, adidas North America, Inc., adidas America, Inc., and adidas International Trading AG in patent infringement and importation investigation at ITC brought by Nike, Inc., related to the design and manufacture of shoe uppers for knitted footwear, with related action in Oregon federal court. One of the largest patent cases in the footwear industry, the case involved nine U.S. patents from multiple distinct families of patents, each covering a different subject matter. After completing both fact and expert discovery, the case was settled on confidential terms shortly before the evidentiary hearing at the ITC. *In re Certain Knitted Footwear*, U.S. ITC Inv. No. 337-TA-1289; *Nike, Inc. v. adidas AG et al.*, No. 3:21-cv-01780 (D. Or.)

As lead trial counsel to the inventor and patent owner, obtained a verdict of willful infringement and an award of \$20.3 million for past damages after a seven day jury trial in the Eastern District of Texas. The Court increased the award to \$23.6 million after ruling on post-trial motions. The Federal Circuit affirmed the decision in January 2019. The two related *inter partes* review hearings resulted in an exceedingly rare final determination upholding the patentability of all challenged claims. *Mark A. Barry, M.D. v. Medtronic, Inc.*

Summary Judgment Victory for Seattle Genetics in a technology licensing and breach of contract dispute involving a life-saving cancer therapy. After years of litigation and arbitration in district courts, state courts and the American Arbitration Association in Arizona and Washington, Kilpatrick Townsend obtained a definitive victory on summary judgment for Seattle Genetics against Arizona State University in the District of Arizona. The Court held on August 4, 2015, that ASUs patent infringement claims were barred by the written terms of a contract amendment it had executed with SeaGen over ten years ago. *Arizona State University v. Seattle Genetics* (D. Ariz.) *Arizona State University v. Seattle Genetics*

Education

University of Washington School of Law J.D. (2009) Intellectual Property Concentration,
Pacific Rim Law & Policy Journal, Comments and Articles Editor
Moot Court Honor Board, Member
1L Moot Court Appellate Advocacy Competition, Champion

University of Washington B.S. (2006) Physics, *cum laude*, Phi Beta Kappa

Admissions

Washington (2009)



Court Admissions

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Western District of Washington

U.S. Supreme Court

Professional & Community Activities

Seattle Intellectual Property American Inn of Court, Executive Committee Member (Secretary)

Washington State Bar Association IP Section, Executive Committee Member (Chair)

Federal Circuit Bar Association, Member

Insights

[News Releases](#)

Kilpatrick Townsend Attorneys Earn Record Number of Rankings in 2023 Chambers USA

June 2, 2023

[News Releases](#)

135 Kilpatrick Townsend Attorneys Recognized in 2022 Super Lawyers

December 15, 2022

[Webinars](#)

Uncovering the Value of Surveys in Patent Cases

August 17, 2022

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Kilpatrick Townsend Attorneys Claim 80 Individual Rankings in 2022 Chambers USA

June 2, 2022

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Kilpatrick Townsend Receives Top-Tier Recognition in the 2022 Edition of Best Lawyers: Ones to Watch in America

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