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Top 40 under 40



Micah G. Block

Block is a litigator focused on intellectual property and antitrust. He graduated from Yale University magna cum laude with a degree in ethics, politics and economics and from Stanford Law School with distinction. He clerked for the late Circuit Judge Raymond C. Fisher at the 9th U.S. Circuit Court of Appeals before joining Davis Polk as an associate in 2010.

“I have always been interested in being on my feet in court, and patent litigators were doing that, so I raised my hand and got involved,” he said in explaining the path his career has taken. “It’s been great for me to get the trial experience I have so far.”

Now, he said, clients are coming to him for counsel in areas outside patent law, as in a recent false claims act case. “There’s a lot of fun to be had here,” he said.

Block co-leads the global defense and strategy in numerous patent litigations for client Comcast Corp. filed by Rovi Corp. and its affiliates. In one matter before the International Trade Commission, he led Comcast’s successful effort to de-risk a key patent among eight that Rovi Guides Inc. had asserted concerning digital set-top boxes. Block examined a technical expert at trial and was the lead author on important post-trial and commission briefs. *Certain Digital Video Receivers*

and Hardware and Software Components Thereof, 337-TA-1103 (ITC, filed Feb. 8, 2018).

“Because the remedies at the ITC are primarily injunctive, you want to lower the risk for your client during the investigation by keeping the construction of a patent narrow in case the plaintiff gets a win,” Block said. The ITC’s decision vindicated the strategy with respect to the only patent found valid and infringed by affirming the extremely narrow scope of the claims Block had argued for, he said.

In a different part of the same commercial dispute involving Rovi and its subsidiaries, Block served as lead counsel for a key group of three patents in the Southern District of New York. He developed, briefed and argued claim construction positions that invalidated one of the patents, and the record he built caused Rovi to voluntarily dismiss a second. Regarding the third patent, Block obtained case-altering concessions through his taking of the deposition of the plaintiff’s technical expert that limited the case sufficiently that Rovi’s \$70 million damages demand was lowered to a nominal \$6 million claim that remains subject to challenges. *Rovi Guides Inc. v. Comcast Corp.*, 1:16-cv-09278 (S.D. N.Y., filed Dec. 1, 2016).

The deposition was key. “It was a long,



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challenging interaction,” Block said. “I had read carefully the expert’s report and found questions that made the expert’s opinion difficult to sustain and untenable. I was very happy with the record I got out of that day.”

— John Roemer