



William H. Manning

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Practice Areas

- Business Litigation
- Intellectual Property and Technology Litigation
- Personal Injury Attorneys

Certifications

- Certified Civil Trial Specialist, Civil Litigation Section of Minnesota State Bar Association

Professional Associations

- American Board of Trial Advocates (ABOTA), Minnesota Chapter
- Academy of Catastrophic Injury Lawyers
- Life-time member of the Million Dollar Advocates Forum
A forum limited to trial attorneys who have achieved million and multi-million dollar results.
- Appointed as chair of a Magistrate Selection Committee and appointed three times as a member of the Federal Court Magistrate Selection Committee and twice to a Magistrate Reappointment Committee.
- Past Appointed Member of the Minnesota Federal Court Federal Practice Committee

Bar Admissions

Experience

Summary for Speaking Engagements

Bill Manning has moved one billion dollars from one side of the table to the other at a 10 to 1 return in patent litigation without a trial. He also has three ten-million-dollar and three five-million-dollar settlements for plaintiffs in products liability and personal injury cases. Additionally, he has obtained numerous million-dollar-plus personal injury settlements.

One case was an 8.5-million-dollar jury verdict for a double amputee against the Case Corporation as a result of a defective tractor design. This verdict included two million dollars of punitive damages. It was appealed on choice of law and other issues and the Wisconsin Supreme Court unanimously upheld the verdict. A book was written about this case titled: "A Measure of Endurance: The Unlikely Triumph of Steven Sharp," by William Mishler.

After the case, Bill and his client, Steven Sharp, testified before the Senate Commerce Committee on Tort Reform issues. A short statute of repose was rejected by the Committee. The testimony resulted in the ATLA creation of the Steven J. Sharp Award, now presented annually to a lawyer and a client who come forward with a case that makes a legislative difference.

Bill has done a great deal of commercial litigation of all types and has also defended patent and products liability cases. In 40 years of practice with Robins Kaplan, Bill has developed and been successful serving 20 multi-million dollar clients. His success is attributed to exceptional client service, working with talented young lawyers, and developing and leading teams who know how to win.

In addition to his legal practice, Bill has made numerous contributions to his community. In 2003, Bill founded Mitchell Hamline School of Law's Nelson Mandela Scholarship Fund, a program that provides annual scholarship support for a student who is from South Africa or Africa, or a student who embodies the ideals of love and forgiveness exemplified by Nelson Mandela.

Verdicts and Settlements

- Minnesota
- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, Minnesota



Patent Case Settlements:

- 283 million dollars
- 225 million dollars
- 141 million dollars
- 100 million dollars
- Many settlements ranging from 35 to 5 million dollars

Personal Injury Products Liability Results:

- 11 million dollars: Trial to verdict, unanimously upheld by Court of Appeals and a State Supreme Court.
- 10-million-dollar settlement
- 10-million-dollar settlement
- Five-million-dollar settlement
- Numerous settlements of one million dollars or more

Professional Experience

- Has a proven ability solving complex legal problems through strategic planning and meticulous preparation.
- Has a command of the legal process. This involves understanding all written rules and procedures, and also the unwritten rules.
- Represents clients in the intellectual property area with emphasis on patent litigation. Also represented clients in trademark, copyright and trade-dress litigation.
- Represents clients in class action litigation with particular emphasis on class action defense in the areas of consumer fraud, false advertising and securities litigation.
- Has developed and spearheaded national products liability defense programs bringing manufacturers in compliance with the law and thereby reducing liability exposure.
- Represents corporations in a wide variety of commercial litigation, intellectual property, and products liability defense matters and represents injured individuals. In 40 years of practice has brought to resolution through ADR, settlement or motion or trial practice over 300 lawsuits in the substantive areas of products liability, intellectual property, commercial litigation, and has tried to completion lawsuits in Washington, Federal and State Court, Oregon, Federal Court; California, State Court; Texas, Federal Court; Wisconsin, Federal and State Court; Illinois, State Court and Minnesota, Federal and State Courts. Has appeared at motions and hearings in too numerous to count State and Federal Courts throughout the country.
- Has acted as a Federal Court appointed mediator.

Selected Case Results*

COMPLEX PATENT LITIGATION

Advanced Micro Devices v. LG: Case involved nine patents, six coming out of an IPR. Case resolved after Markman and before summary judgment or trial.

Advanced Micro Devices v. Samsung: Brought to resolution patent litigation for Advanced Micro Devices (AMD) against Samsung in the Northern District of California. The case involved allegations that Samsung's DRAM, SRAM and NAND memory products, its system logic products, and its consumer products infringed seven AMD patents covering technologies in memory architecture, processor micro-architecture, MOS-transistor fabrication and design, and user interface design for consumer products. After three years of litigation and two mediations the parties resolved the matter at the close of expert discovery and dispositive motion briefing, shortly before trial. Reputed to be the 4th largest patent case settlement and/or verdict from Jan. 2010-June 2011 in the amount of 283 million dollars.

Silicon Graphics, Inc. v. Advanced Micro Devices: Represented Advanced Micro Devices (AMD) in patent litigation against Silicon Graphics, Inc. (SGI) in the Western District of Wisconsin. The case involved three patents in the areas of graphics processing. The District Court granted summary judgment of non-infringement on all three patents. The summary judgment was also based on a license SGI granted to Microsoft. The case was appealed to the Federal Circuit. AMD sustained two-thirds of the non-infringement issues appealed. The case was remanded to the District Court for resolution of remaining issues as to 5 claims on one patent. The case resolved shortly before trial after 37 motions-in-limine were filed by AMD.

Intergraph v. Dell, Hewlett Packard and Gateway: Represented Intergraph Corp. in patent litigation involving microprocessor system design in a case venued in East Texas. Recovered a total of \$500 million in settlements as follows:

- Hewlett-Packard 141 million dollars, with cross licenses;
- Dell/Intel 225 million dollars;
- Gateway 12 million dollars plus ongoing royalties;
- AMD 20 million dollars;
- IBM 10 million dollars plus a license to IBM's portfolio;
- Toshiba and NEC, confidential settlements

Lead Licensing campaign following litigation:

- Fujitsu 9.75 million dollars;
- Sony 15 million dollars;
- Acer 7.5 million dollars; and
- Other confidential licenses

Digital Sun v. The Toro Company: Obtained summary dismissal of complaint asserted against The Toro Company, alleging violations of the federal antitrust laws (Sherman and Clayton Acts), as well as California unfair business practices and common law fraud. The complaint involved smart sprinkler technology, and arose out of Toro's consideration of a potential business relationship with the named plaintiff regarding that technology, including the licensing of certain intellectual property related to that technology. The issues presented in the motion to dismiss included the plausibility of the allegations under the standard set forth in the Supreme Court's decision in *Twombly*, as well as the intersection between the antitrust and patent laws. The dismissal briefing focused on key points in the related documentation and dealings which confirmed the business reality existing between the parties, thereby overcoming an otherwise complex set of allegations presented in the complaint. The matter settled shortly after the summary dismissal.

Sharper Image v. Honeywell: Represented Honeywell in patent infringement suit brought by Sharper Image against Honeywell. The case was venued in the Northern District of California. It involved air cleaning technology and Honeywell asserted a false advertising counter-claim.

Xerox v. Hewlett Packard: Represented Xerox in patent cases involving thermal ink-jet technology against Hewlett-Packard. All cases were resolved through a cross-license settlement.

Bell & Howell Mail Processing System v. Pitney Bowes: Dismissal of a defendant in a patent infringement suit. The suit was between two competitors that dominate an industry.

Soloflex v. NordicTrack: Represented NordicTrack in a significant false advertising, trade dress, trademark and copyright infringement case against Soloflex.

CLASS ACTION LITIGATION

Defended and resolved an alleged national consumer class action consolidated in Tennessee.

Defended and resolved an alleged national consumer class action for a Fortune 300 company in Southern Illinois that involved allegations of false advertising.

Obtained summary judgment in Cook County before class certification hearing was held for Dow 30 company. The result was sustained by the Illinois Court of Appeals.

Defended a class action in East Texas on behalf of a Fortune 200 company.

Dismissal of a defendant by summary judgment in an alleged national consumer class action involving home security systems.

Settlement of a securities fraud class action following dismissal by the Federal District Court and after full appellate briefing to the 11th Circuit Court of Appeals.

PRODUCT LIABILITY DEFENSE

Has represented many corporations in national products liability defense programs whereby prior burgeoning and growing litigation problems were dramatically reduced. This was accomplished by preventive law programs that brought corporations into compliance with the law, as well as trying cases in federal and state courts around the country.

Defended Honeywell in the First Interstate Bank high-rise fire that occurred in downtown Los Angeles against allegations of 100-million-dollar-plus property damage.

PLAINTIFF'S PERSONAL INJURY/PRODUCT LIABILITY SETTLEMENTS AND VERDICTS

Confidentially settled a complex products liability case for a Minneapolis Police Officer who was severely burned when a vehicle he was in burst into flames on impact.

Reached a confidential settlement with numerous defendants on behalf of two families who lost three children when a conversion van spontaneously erupted into flames. Defendants included, among others, the driver/owner, the company that installed the interior cloth lining, and the dealer.

Achieved a 9.6-million-dollar settlement on behalf of a severely brain-injured young woman who was rear-ended in an auto accident.

Confidentially settled an eight-figure case for two boys who were severely burned when a non-child resistant utility lighter started a fire.

An 8.5-million-dollar jury verdict for a double amputee against the Case Corporation as a result of a defective tractor design. This verdict included 2 million dollars of punitive damages. It was appealed on choice of law and other issues and the WI Supreme Court unanimously upheld the verdict. A book was written about this case titled: "A Measure of Endurance: The Unlikely Triumph of Steven Sharp," by William Mishler. The case is reported at *Sharp v. Case Corp.*, 595 N.W.2d 380 (Wis. 1999).

A one-million-dollar-plus wrongful death verdict on behalf of two emancipated children in Cook County against the Chicago Transit Authority. This verdict is reputed to be the largest wrongful death verdict for emancipated children in Cook County.

A 1.425-million-dollar settlement of a wrongful death case wherein decedent was a passenger in a company owned truck driven by co-worker.

A one-million-dollar settlement for an arm amputation caused by a defectively designed conveyor belt "tripper."

Has obtained numerous other seven figure settlements for plaintiffs in wrongful death, personal injury and products liability matters.

Testified before the Senate Commerce Committee on Tort Reform issues. Testimony resulted in the ATLA creation of the Steven J. Sharp Award, now presented annually to a lawyer and a client who comes forward with a case that makes a legislative difference.

Past results are reported to provide the reader with an indication of the type of litigation we practice. They do not and should not be construed to create an expectation of result in any other case, as all cases are dependent upon their own unique fact situation and applicable law.

Recognition**

- Named a "BTI Client Service All-Star" (2010, 2017)
- Named a "North Star Lawyer" by the Minnesota State Bar Association for providing at least 50 hours of pro bono legal services (2016)
- Hamline University Law School Distinguished Alumnus Award
- Selected by his peers as a "Minnesota Super Lawyer"
Super Lawyers (2000-2006, 2012-2014)

**Being named to the list or receiving the award is not intended and should not be viewed as comparative to other lawyers or to create an expectation about results that might be achieved in a future matter.

Community Service

- Advisory Board Member – Strother Communications Group, Minneapolis
- Past Board Member – Hamline University Trustee; Saint Paul Chamber Orchestra; Eden House
- Past and Founding Board Member – Global Rights for Women; Minnesota Waldorf School; Camphill Village, Minnesota

Resources

Articles

- The Art of Quantification
IP Law For Businesses: Protecting Yourself & Your Company
(December 18, 2012)
- 2011: A Case Odyssey - Part 2
Law360 (March 30, 2012)
- 2011: A Case Odyssey - Part 1
Law360 (March 23, 2012)
- The O2 Micro Solution To The O2 Micro Conundrum: Part 2
Law360 (December 14, 2011)
- The O2 Micro Solution To The O2 Micro Conundrum: Part 1
Law360 (December 7, 2011)

- Finding and Tracing an Invention's Footprint
Intellectual Property Today (July 31, 2011)
- The Challenge Of Proof In A Semiconductor Patent Case
Law360 (June 24, 2011)
- Using Claim Construction to Impact Damages Analyses
Law360 (June 6, 2011)
- The Sword and the Shield - How Recent Developments in Patent Damages Law Can Help Your Case as Both a Defendant and a Plaintiff
BNA's Patent, Trademark & Copyright Journal (May 27, 2011)
- The Expert Disclosure Pitfalls of Rule 26(a)(2)
Law360 (May 27, 2011)
- Determining Your Royalty Base Under Section 271
Law360 (November 5, 2010)
- Lanham Act Also Applies to False Advertising Claims
The National Law Journal (May 13, 2002)

News

- Attorney Bill Manning Named 2017 BTI Client Service All-Star
- 82 Robins Kaplan Attorneys Named "North Star Lawyers" for Providing Pro Bono Advocacy
- Bill Manning Named to BTI Consulting Group's 2010 Client Service All-Star Team
- Bill Manning, A Lawyer Honored and Hired By An Old Adversary
- William H. Manning, Partner, Inducted into American Board of Trial Advocates

Speeches

- Patent Strategies Through a Trial Lawyer's Lens
Webinar, In-house presentation before 50 attorneys in patent litigation, licensing, and patent prosecution (August 15, 2019)
- Nelson Mandela: The Greatest Lawyer Who Ever Lived
Federal Bar Association, Nashville Chapter, Nashville, Tennessee (November 8, 2017)
- Nelson Mandela: The Greatest Lawyer Who Ever Lived
Federal Bar Association, Florida Chapter, Miami, Florida (October 11, 2017)
A Description of the Presentation by a Member of the Audience
- Nelson Mandela: The Greatest Lawyer That Has Ever Lived
State Bar of North Dakota, Fargo, North Dakota (June 16, 2017)
- Nelson Mandela: The Greatest Lawyer Who Ever Lived
Southern Utah Federal Law Symposium, St. George, Utah (May 11, 2017)
- The Real Impact of Key Court Decisions in 2016
IP Dealmakers Forum, New York, New York (November 17, 2016)
- The Evolution of IP Litigation Funding & Insurance Markets
IP Dealmakers Forum, New York, New York (December 7, 2015)

- Nelson Mandela: The Greatest Lawyer That Has Ever Lived
Minnesota Chapter of the Federal Bar Association (June 22, 2015)
- American Intellectual Property Law Association 2015 Mid-Winter Institute
AIPLA (January 28-31, 2015)
- Making the Invisible Visible: Winning Strategies in Patent Litigation
- The Trial Lawyer's Approach to Winning Patent Cases -
Implementation of the Winning Plan: Witness Preparation and
Depositions
- Corporate Compliance - Why 80% of Corporations Are Not in
Compliance with the Law - Beware of the True Believer
- Winning At Products Liability: Safety Is Simply Better Business

In The News

- "Being Ready For Trial Can Avoid Court," *StarTribune* (May 29, 2011)
- Year to Celebrate: William Manning," *Hamline University School of Law's Donor Report* (2011)
- "Bill Manning, A Lawyer Honored and Hired By An Old Adversary," *StarTribune* (February 27, 2010)
- "A (Computer) Chip On Their Shoulders," *Minnesota Law & Politics* (June/July 2005)
- "Lawyers Turn Techies in \$141M Case," *Daily Report* (January 27, 2005)
- "Taking Anthroposophy Into Life: An Interview with William Manning" (2004)
- "Book's True Story Testifies to the Threat of Tort 'Reform' ," *Trial* (November 2003)
- "A Measure of Endurance: The Unlikely Triumph of Steve Sharp," *Knopf* (2003)