

Joseph T. Miotke Attorney

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Metro Milwaukee

Joe is a patent litigator and licensed patent attorney with intellectual property experience in patent, trademark, copyright, and trade secret matters. As described in IAM Patent 1000, one of the world's leading IP publications, "Joseph Miotke is the gold standard. His understanding of the subject matter is faultless. He is proactive and gives practical advice. Most importantly, he is sensitive to the resources and purse strings of the company. He is very popular." One client confides: "Joe is the best counsel we have ever worked with. He has a comprehensive knowledge of the market, and advocates strategic management and monetization – something many firms have not yet grasped."

Joe is a leader in Wisconsin's legal, intellectual property, and education communities. He was appointed by Governor Scott Walker, and confirmed by the Wisconsin Senate, to serve on the Wisconsin State Public Defender Board, which provides oversight of the State Public Defender's Office. Joe also currently leads one of the largest k-12 science, technology, engineering, and math ("STEM") programs in the United States through serving as the Statewide Leadership Chair for Project Lead The Way ("PLTW") – Wisconsin. PLTW Wisconsin has served over 500,000 Wisconsin students through one or more of its programs. He also was appointed to Marquette University's Research & Innovation Council, which advises University administration and leadership on research, technology, and innovation matters.

Joe is a leader in Wisconsin's Intellectual Property and entrepreneurship community. He is a Past-President of the Wisconsin Intellectual Property Law Association ("WIPLA"), Wisconsin's largest group of intellectual property attorneys and among the oldest of such groups in the United States. Joe is also on the leadership of the Wisconsin Chapter of the Licensing Executives Society, among the world's largest group of intellectual property professionals. Joe was also appointed to Marquette University's Research and Innovation Council, which provides guidance and recommendations to the Leadership of Marquette University.

He has been part of patent litigation teams securing verdicts and settlements in excess of \$150 million. He is also one of the only attorneys in Wisconsin, and among the few in the United States, who has negotiated IP monetization transactions. Likewise he has substantial experience preparing and prosecuting patent applications across a wide array of technologies and negotiating complex intellectual property transactions with many of the world's largest technology innovators. Joe is a frequent author and speaker to international audiences regarding the interplay of intellectual property and entrepreneurship, IP monetization, patent litigation, ethics, and other IP related topics. He is recognized as an "IP Star" by *Managing Intellectual Property* magazine, and *Intellectual Asset Management* magazine identified him in their IAM Patent 1000 as one of the world's leading patent attorneys.

Joe is also a frequent lecturer to international audiences on intellectual property topics. He has presented to many of the world's leading intellectual property organizations at their annual meetings, including the American Intellectual Property Law Association ("AIPPLA"), the Association of University Technology Managers ("AUTM"), and the Licensing Executives Society ("LES"). In addition, he has taught or guest lectured at many universities including the University of Chicago, University of Wisconsin-Madison, Marquette University College of Engineering, Marquette University Law School, University of Wisconsin-Milwaukee, and University of Wisconsin-Whitewater College of Business and Economics.

Joe is also very active in Wisconsin's entrepreneurship space. He is part of the leadership for the Bizstarts program, which provides early guidance to Wisconsin entrepreneurs. He is also a mentor to gener8tor, a nationally recognized startup accelerator based in Wisconsin. As a mentor to the Wisconsin Women's Business Initiative Corporation ("WWBIC"), Joe instructs and coaches entrepreneurs from Milwaukee's central city and beyond. Joe likewise works with The Commons, a first-of-its-kind entrepreneurship collaboration between the 23 colleges and universities in Southeastern Wisconsin and industry.

Clients

Joe's clients range from Fortune 500 companies to startups and sole inventors. His uniquely diverse background in IP enables him to counsel clients on sophisticated transactional and litigation matters. Joe's down-to-earth style is appreciated by startups and sole inventors who are new to the patent process and other intellectual property matters.

Client Recommendation

"My company, Retriever Industries LLC, retained Joe to monetize a patent. Prior to meeting Joe, my

business partner and I had run out of funding for our business startup and returned to our ‘day jobs.’ The value of our core business asset – a patent – which we felt had considerable marketability, was diminishing daily. Joe’s understanding of the value of intellectual property, his contacts, and his ability to assist us in putting together a strong and compelling offering were keys to our finding a purchaser, and doing so in an efficient time frame. In addition, we cannot thank Joe enough for shepherding us through the transfer process and helping us complete a clean transaction. The words ‘professional,’ ‘helpful,’ and ‘knowledgeable’ all immediately come to mind when we think of Joe, and we certainly would highly recommend Joe and look forward to working with him again.” – *John J. Black, Sr. CPCU, Former CEO – Retriever Industries, LLC*

Notable Representations

- Trial team member representing the patent owner in a patent infringement action involving medical device technology that prevailed at trial, resulting in a settlement in excess of \$120 million.
- Trial team member representing the patent owner in a patent infringement action involving engine technology that prevailed at trial, resulting in the entry of a permanent injunction against the defendant.
- Co-first chair in a patent infringement arbitration representing the accused infringer that resulted in a determination of no infringement.
- Successfully represented a Fortune 500 company in a seven figure information technology transaction involving the roll-out of new technology used enterprise-wide.
- Successfully placed one of the world’s largest audio/video music concert archives into the ICAP Ocean Tomo Intellectual Property Auction.

Articles

- Featured in “Half a Million Strong: STEM Curriculum Builds Momentum in Wisconsin,” *BizTimes*, April 2017
- “Choose Your Own Misadventure: Tap Dancing in the Ethics Minefield of an Intellectual Property Transaction,” *The Licensing Journal*, April 2016
- Featured in *Pathways*, Fall 2015
- Featured in “Ready for War: Lawyers need comfort, supplies, privacy when litigating out of town,” *Wisconsin Law Journal*, May 22, 2013
- Featured in “Where do I go with my bright idea?” *Kenosha News*, May 4, 2013
- Featured in “Welcome to the IP Bubble,” *CFO Magazine*, cfo.com, May 14, 2012
- Featured in “The Full-Spectrum Intellectual Property Adviser,” *IP Law360*, New York, March 28, 2012
- Author, “The Emerging Intellectual Property Marketplace And Ways Businesses And Universities

Can Benefit From It,” American Intellectual Property Law Association Annual Meeting, Washington, D.C., 2010

- Author, “A New Horizon For IP Monetization: Copyrights,” *IP Law 360*, 2010
- Co-author, “Should We Use A Patent Auction?” *Managing Intellectual Property*, 2010
- Co-author, “Your Guide To U.S. Patent Venues,” *Managing Intellectual Property*, 2008
- Co-author, “Beyond the NDA: Digital Rights Management Isn’t Just for Music,” *Intellectual Property & Technology Law Journal*, 2004

Presentations

- “Choose Your Own Misadventure: Tap Dancing In The Ethics Minefield Of An Intellectual Property Transaction,” Licensing Executive’s Society (“LES”) Annual Meeting, New York, New York, October 2015
- “Will My Patent Make Cents? How Courts and the USPTO Affect Patent Portfolio Value,” Moderator for American Bar Association nationwide CLE Webinar, October 2015
- “Best Practices In Managing New Ideas In The Music Space,” Licensing Executives Society, Wisconsin and Illinois Chapters, Fort Knox Studios, Chicago, Illinois, August 2015
- “Choose Your Own Misadventure: Tap Dancing In The Ethics Minefield Of An Intellectual Property Transaction,” Licensing Executive’s Society (“LES”) LES University, Chicago, Illinois, July 2015
- “Intellectual Property 101: What High School Educators Should Know About IP With A View Towards Innovation And Entrepreneurship,” Project Lead The Way Summer Boot Camp for teachers, Milwaukee School of Engineering, June, 2015
- BizStarts Professional Program, March 2015
- “Where is My Crystal Ball When I Need it? Good Deals Gone Bad: A Case Study in Structuring License Agreements to Survive the Convulsions of Commerce,” American Intellectual Property Law Association’s (AIPLA) Mid-Winter Institute in Orlando, January 2015
- “Current Trends In IP Monetization,” State Bar of Wisconsin Door County Intellectual Property Academy, Door County, Wisconsin, 2011
- “Intellectual Property 101: What Every Inventor And Entrepreneur Should Know About Intellectual Property,” Inventors And Entrepreneurs’ Club Of Southeastern Wisconsin, 2011
- “The Emerging Intellectual Property Marketplace And Ways Businesses And Universities Can Benefit From It,” American Intellectual Property Law Association Annual Meeting, Washington, D.C., 2010
- “Making Money On Your Intellectual Property: IP Monetization,” 2010 Ideas To Profits Conference, Wisconsin Dells, 2010
- “The Emerging Intellectual Property Marketplace And Ways Businesses Can Benefit From It,” Wisconsin Intellectual Property Law Association Monthly Meeting,” Milwaukee, Wisconsin, 2010
- “The Emerging Intellectual Property Marketplace And Ways Businesses Can Benefit From It,”

Corporate Practice Institute, Milwaukee, Wisconsin, 2009

- “Current Trends of Non-Practicing Entities,” State Bar of Wisconsin Door County Intellectual Property Academy, Door County, Wisconsin, 2009
- “Due Diligence Minesweeping: Circumstances That Can Diminish Or Destroy A Patent’s Value In A Merger Or Acquisition,” Ocean Tomo® Live IP Auction And Business Conference, San Francisco, California, 2009
- “Patent Litigation In A Rocket Docket After Markman II,” Ocean Tomo® Live IP Auction and Business Conference, Chicago, Illinois, 2008
- “Current Trends Of Non-Practicing Entities,” Ocean Tomo® Live IP Auction and Business Conference, San Francisco, California, 2008

Expertise

- Intellectual Property
- Litigation
- Patent Litigation

Education

- J.D., *magna cum laude*, Marquette University Law School
- B.S., Civil Engineering, Marquette University

Admissions

- Admitted to practice in Wisconsin
- Admitted to practice in Illinois
- Registered to practice before the United States Patent & Trademark Office

Affiliations

- Licensing Executives Society
- Past-President – Wisconsin Intellectual Property Law Association
- Rotary Club of Milwaukee

Awards & Recognitions

- *Marquette Law Review*, Associate Editor, 1998-1999
- *Marquette Law Review*, Member, 1997-1998
- Dean’s List every semester

- C.A.L.I. Academic Achievement Awards for highest grades in Intellectual Property Theory and Negotiable Instruments
- Inducted into *Alpha Sigma Nu*, National Jesuit Honor Society
- Ramon Klitzke Moot Court Competition, Quarter-finalist
- Awarded Marquette University Law School Class of 1998 Scholarship
- Designated a Law School Scholar and awarded scholarship
- National Merit Scholar Semi-Finalist
- Awarded Greater Milwaukee Marquette University Scholarship
- Awarded Marquette University Ignatius Scholarship
- Awarded David P. Balmer athletic scholarship

Honors

- Wisconsin IP Star by *Managing Intellectual Property*
- IAM 1000 Top Patent Practitioner by *Intellectual Asset Management*