

Michael S. Weinstein

Cleveland
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Overview

Michael is an intellectual property attorney with significant experience litigating complex matters in federal district courts nationwide and in inter partes review proceedings before the Patent Trial and Appeal Board. Michael focuses his practice on patent litigation for clients in the pharmaceutical, agrochemical, chemical, medical device, and consumer product industries.

Michael has deep experience in the pharmaceutical industry, both in branded-side patent litigation and generic-side Hatch-Waxman cases. Michael's experience further includes cases involving claims of trademark infringement, unfair competition, trade secret misappropriation, breach of contract, and tortious interference.

Michael has led teams through all stages of litigation from pre-suit investigations, discovery, motion practice, claim construction, fact and expert depositions, summary judgment, trials, and appeals in the United States Court of Appeal for the Federal Circuit. Michael also advises clients on IP portfolio protection, as well as providing pre-litigation and freedom-to-operate opinions.

Michael's recent successes include obtaining a multi-million dollar jury verdict in the District of Delaware in a breach of contract and trade secret misappropriation dispute. Michael also secured a highly favorable outcome for a client in a week-long arbitration hearing defending against claims of breach of contract, false advertising, and false association. Additionally, Michael was a member of a trial team that achieved a record-breaking $2.54 billion patent infringement jury verdict.

Credentials

EDUCATION

- University of Cincinnati, 2005, B.S. Chemical Engineering, *cum laude*
- University of Cincinnati College of Law, 2008, J.D., *summa cum laude*
  - Order of the Coif
  - Law Review

BAR & COURT ADMISSIONS

- Ohio
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Eastern District of Wisconsin
- U.S. Patent & Trademark Office

Memberships

- Member, Cleveland Metropolitan Bar Association
- Member, Cleveland Intellectual Property Law Association
- Board of Directors, Cleveland Baseball Federation

Awards & Recognition

- Listed, Ohio Super Lawyers – Rising Stars, 2016-2021

News & Insights

- Michael Weinstein Joins Benesch
  October 30, 2023 | Press Releases
- Kal K. Shah, Michael S. Weinstein, and Vincent J. Michalec mentioned in Law360 | "LED Co. Must Pony Up for Bulb Maker in IP Row, Judge Says"
  December 29, 2022 | Media Mentions
- Nora Cook, Barry J. Guttman, Warren T. McClurg, and Michael S. Weinstein mentioned in Crain's Cleveland People on the Move
  January 18, 2022 | Media Mentions

- Benesch's 13 New Partners featured in Law360 | "Benesch Friedlander Names 13 New Partners"
  January 6, 2022 | Media Mentions
- Benesch Names 13 New Partners for 2022
  January 3, 2022 | Press Releases
- 19 Benesch Attorneys Named 2021 Ohio Super Lawyers; 19 Named Ohio Rising Stars
  December 8, 2020 | Press Releases
- 22 Benesch Attorneys Named 2020 Ohio Super Lawyers; 16 Named Ohio Rising Stars
  November 27, 2019 | Press Releases

Speaking & Events

PAST EVENTS

- Every Word Matters: Effective Claim Drafting and Construction in Today's Pharmaceutical and Chemical Landscape | Charanjit Brahma, Tara Raghavan, Michael S. Weinstein
  November 11, 2025 | Speaking Engagement