

Joseph T. Miotke

Partner

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Service Areas:

- Intellectual Property
- Intellectual Property Litigation

Education:

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

Admissions:

- Illinois
- Wisconsin
- United States Patent & Trademark Office (USPTO)

Joe is the Co-Chair of the firm's Intellectual Property Litigation practice group. For more than twenty years Joe has distinguished himself as a leading intellectual property ("IP") litigator, patent attorney, and IP strategist. Recognized by leading IP publications as among the top patent attorneys and IP attorneys in the United States, he has worked across a wide spectrum of patent, trade secret, copyright, and trademark matters involving technologies ranging from artificial intelligence and machine learning to energy production and hydraulic fracturing. Joe speaks across North America and publishes frequently on IP-related matters.

Intellectual Property Litigation

Serving as Co-Chair of DeWitt's Intellectual Property Litigation Group, Joe has represented clients from Boston to Los Angeles in intellectual property litigation matters. He has successfully represented clients in patent, trade secret and copyright litigation matters involving technologies such as financial software, medical imaging and diagnostics, combustion engine technology, turbomachinery, and advanced manufacturing. He has likewise counseled and represented clients in post-grant proceedings before the United States Patent And Trademark Office in matters such as inter-partes patent review, trademark cancellations, and trademark oppositions.

Intellectual Property Transactions & Strategy

Joe has counseled clients through a wide array of IP transactions. He has negotiated joint development agreements, patent license agreements, software license agreements, website terms and conditions, online privacy policies, and trademark license agreements across many technology spaces. He has likewise developed IP monetization strategies for clients and negotiated IP monetization transactions with some of the world's most sophisticated IP investors and aggregators. Joe has guided clients in new product development and provided counseling to avoid infringement of competitor and third-party technology.

Intellectual Property Leadership

In addition to serving as Co-Chair of DeWitt's IP Litigation Group, Joe has provided leadership in the Wisconsin and United States IP community. He served as President of the Wisconsin Intellectual Property Law Association, which is among the oldest IP professional groups in the United States. He held a variety of leadership roles in the Licensing Executives Society ("LES"), among the world's largest group of IP professionals. Joe is the National Chair of IP Basic Education for LES and recently overhauled the LES course on IP Licensing & Basics, which is taught throughout the world. In addition, he developed a course related to ethics in IP transactions that has been taught throughout North America. Joe currently serves on the LES Ethics Committee and leadership of the LES Wisconsin Chapter.

Education, Entrepreneurship, & Community Leadership

Joe is a leader in Wisconsin's legal, education, and entrepreneurship communities. He was appointed by Governor Scott Walker, reappointed by Governor Tony Evers, and confirmed by the Wisconsin Senate (reappointment confirmation pending), to serve on the Wisconsin State Public Defender Board, which provides oversight of the State Public Defender's Office.

He leads Project Lead the Way ("PLTW") – Wisconsin, one of the largest K-12 science, technology, engineering, and math ("STEM") education programs in the United States. Joe serves on a volunteer basis as the Statewide Leadership Chair. PLTW Wisconsin has served over 500,000 Wisconsin students through one or more of its programs. Additionally, he was appointed to Marquette University's Research & Innovation Council, which advised University administration and leadership on research, technology, and innovation matters.

He is active in Wisconsin's and Milwaukee's entrepreneurship communities. He serves on the Board of Directors for BizStarts, a Milwaukee-based nonprofit that provides education and mentorship services to entrepreneurs, with an emphasis on entrepreneurs from underserved communities. Joe has mentored startups in the gener8tor accelerator, a Milwaukee-based nationally ranked startup accelerator. He also served on the selection committee for Silicon Pastures, one of Wisconsin's largest angel investor groups.

Joe likewise has volunteered in many youth organizations. He has coached youth soccer, basketball, and Little League Baseball in the Milwaukee area and served as den leader for a Cub Scout Pack as well as a small group leader for a teen group at his church.

Affiliations

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

Articles & Presentations

- "Technology Licensing for Beginners: An Introduction," August 2019, *The Licensing Journal*, one of the world's leading intellectual property licensing publications
- 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

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

Client Recommendations

- "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." – client quote for Intellectual Asset Management
- "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." – client quote for Intellectual Asset Management
- "As an attorney, Miotke is 'brilliant at aligning patent approaches with business needs to ensure you protect what matters most while spending resources wisely.' More broadly, he is gifted at opening innovation and entrepreneurship pathways for those with limited access; the effort he puts into developing talent from underprivileged backgrounds is truly laudable." – Intellectual Asset Management

Service Area Subspecialties

- Litigation
  - Patent Litigation