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BIOGRAPHY

Michael McClintock is an experienced trial attorney whose practice encompasses all forms of business-related litigation in both state and federal courts as well as commercial arbitration. He represents clients in disputes involving intellectual property litigation, including patents, trademarks, copyrights and cyber-piracy, as well as in other areas of general business litigation, including environmental law, contract disputes, real estate, securities, oil and gas and other business controversies. Michael has represented leading corporations and businesses in a variety of industries, including technology, advertising, manufacturing, energy, real estate, media and publishing, banking, construction and pharmaceutical.

Based on a survey of judges and attorneys in the Oklahoma region, Michael has earned the distinction of an AV® Preeminent™ rating by Martindale-Hubbell's Peer Review Ratings, a certification mark signifying that a lawyer's peers rank him at the highest level of professional excellence. His achievements have earned him inclusion *The Best Lawyers in America* (commercial litigation, construction litigation, environmental litigation, securities litigation) and *Oklahoma Super Lawyers*, and recognition as a "future star" by *Benchmark Litigation*.

Michael serves as an adjunct professor at Oklahoma City University School of Law, teaching trial practice techniques and substantive courses. He is a contributing author regarding Oklahoma law to the Defense Research Institute's *Unfair Trade Practices: A Compendium of State Law*, and MacMillan Reference USA's *Major Acts of Congress*, a historical study of the U.S. Congress' role in economic, social and political decisions, and has published a number of legal articles, including:

- "The Declining Use of Legal Scholarship by Courts: An Empirical Study," 51, *Oklahoma Law Review* 659
- "Strategies for Dealing with Cybersmear – The Posting of Defamatory or Damaging Information on the Internet Concerning a Corporation," 73 *Oklahoma Bar Journal* No. 24, (Intellectual Property Law Section), August 17, 2002
- "Oklahoma's Anti-Deficiency Judgment Statute," Cleverdon Real Property Round Table Seminar, Oklahoma Bar Association Real Property Law Section

Prior to joining McAfee & Taft, Michael served as a federal judicial clerk for the Honorable Robert H. Henry, Chief Judge of the U.S. Court of Appeals for the Tenth Circuit. Before attending law school, he served as an officer in the U.S. Navy, serving as the electronic warfare officer, electronic material officer, and communication officer on the U.S.S. Joseph Hewes, FF-1078.

REPRESENTATIVE EXPERIENCE

- Successful representation of nationwide catalogue and television marketing corporation as lead trial counsel in a seven-day jury trial involving claims of trademark and trade dress infringement, breach of contract, conspiracy to breach fiduciary duty, and dissolution of a related business entity.
- Successful representation of a grinding product manufacturer in defense of a claim of patent infringement resulting in a jury verdict of invalidity, a finding of inequitable conduct and a finding for the client on its claim of tortious interference of business relationships in an amount in excess of \$2.1 million.
- Successful representation of a software development company as lead trial counsel in a three-day arbitration trial before the American Arbitration Association (“AAA”) involving claims of breach of a software development contract and copyright infringement.
- Successful representation of a Singapore-based international manufacturer and distributor as lead counsel in a five-day jury trial involving claims of breach of contract and breach of warranty.
- Successful representation of a manufacturer of valves and controls for the oil and gas industry as lead counsel in a trademark infringement lawsuit against a competitor knocking-off several of the client’s most successful products and involving counterclaims by the infringer for alleged invalidity of trademark registrations, fraud on the Patent and Trademark Office, and antitrust violations.
- Successful representation of a national lumber distributor to professional contractors in the commercial residential construction industry as lead counsel in breach of a non-compete agreement against a competitor arising out of a multi-million dollar merger and acquisition.
- Successful representation of a Texas real estate development company that developed a high-end, luxury hotel and adjoining condominiums as lead counsel in a trademark infringement lawsuit against a competitor corporation’s competing condominium development utilizing a nearly identical and confusingly similar name in order to trade on the goodwill of the client’s successful hotel and condominium development.
- Successful representation of an American subsidiary of a Finland-based international supplier of plumbing and heating systems for residential and commercial building markets as lead counsel in a CERCLA and toxic tort lawsuit regarding liability and remediation of groundwater contaminated with the chemicals Trichloroethylene (“TCE”) and Trichloroethane (“TCA”), resolution of which was impeding the liquidation of the Finland parent corporation’s real property holdings in the United States.
- Successful representation of a Texas preferred provider organization (a “PPO”) as lead counsel in a breach of contract lawsuit against a corporation for failure to pay for PPO services provided to its customer-employer groups.
- Successful representation of a regional financial institution as lead counsel in an international domain name arbitration, conducted in dual languages, against a company located in Korea and operating a pornography website using the financial institution’s federally registered trademark and trade name as an Internet link to its pornography site.
- Successful representation of a manufacturer of valves and controls for the oil and gas industry in a lawsuit alleging millions of dollars in damages arising from a boiler explosion that resulted in catastrophic burns and other injuries to the plaintiff.
- Coordination of pre-litigation investigation, accident reconstruction, and negotiation with potential plaintiff resulting in manufacturing client not being named as a defendant in a lawsuit regarding the explosion of a tank-truck inside a commercial building.

- Successful representation of a manufacturer of industrial valves and controls against a personal injury lawsuit arising from the explosion of a gas line that severed the legs of the plaintiff.
- *Accuweather, Inc. v. Total Weather, Inc.*, 223 F.Supp.2d 612 (M.D.Pa. 2002) (Lead trial counsel for the defendants)
- *First United Bank & Trust Co. v. Jinseok Yang* (Seoul, South Korea); Claim Number: FA0206000114649 (Lead trial counsel for the claimant/plaintiff)
- *Q-Trade Canada, Inc. v. Bank of Hydro Oklahoma*, Case No. AF-0169; (Lead trial counsel for the respondent/ defendant)

ADMISSIONS

- Oklahoma, 1998
- U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma
- U.S. District Court for the Northern District of Texas
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Federal Circuit Court of Appeals
- U.S. Supreme Court

EDUCATION

- J.D., *summa cum laude*, Oklahoma City University, 1998; Editorial Board, *Oklahoma City University Law Review*
- B.S., U.S. Merchant Marine Academy, Kings Point, NY, 1992

PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Tenth Circuit Court of Appeals Historical Society
- Oklahoma County Bar Association (Litigation and Intellectual Property Sections)
- Federalist Society for Law and Public Policy
- William J. Holloway American Inn of Court (Barrister)

CIVIC INVOLVEMENT AND LEADERSHIP

- Oklahoma City University Law School Alumni (Board of Directors)
- Oklahoma County Bar Association (Fee-Grievance Committee)
- Westminster Presbyterian Church (Deacon)
- Youth Soccer, Baseball and Basketball Coach