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LEADING COMMERCIAL LITIGATORS 2025



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SECURITIES AND M&A
LITIGATION

Michele Johnson has been practicing law for nearly 27 years and her early career was shaped by product liability cases and class actions.

“When my flavor of products cases came to a screeching halt following a proposed federal energy bill, I took up securities litigation, which was a gateway to M&A, Delaware and ultimately major commercial trials,” Johnson said.

One notable recent case involved representing Sarepta, a biotechnology company focused on rare diseases, in a patent dispute in Delaware federal court. The case centered on breakthrough treatments for Duchenne Muscular Dystrophy developed by Australian researcher Dr. Steve Wilton, Johnson said. *Nippon Shinyaku Ltd. v. Sarepta Therapeutics Inc. et al.*, 1:21-cv-01015 (D. Del., filed July 13, 2021).

Despite not being a cure, these treatments, known as antisense oligonucleotides (ASOs), delay muscular decline in patients. The case was high-stakes with the opponent, Nippon Shinyaku, seeking nearly \$300 million and challenging the validity and integrity of Wilton’s patent.

“We viewed this as a baseless and unfair attack on a hero in the fight against muscular dystrophy, and were elated when the jury invalidated NS’s patent, upheld Dr. Wilton’s patent and awarded Sarepta \$116 million, fully vindicating Dr. Wilton and his work and resulting in a \$400 million reversal of fortune,” Johnson said.

Another significant case she handled was a breach of contract dispute in

federal court in Los Angeles for OWLink, a technology company, against Cypress Technology. *OWLink Technology, Inc. v. Cypress Technology Co., Ltd. et al.*, 8:21-cv-00717 (C.D. Cal., filed April 19, 2021).

OWLink had introduced Cypress to Crestron, a major audiovisual systems seller, leading to lucrative sales for Cypress. However, Cypress later terminated its agreement with OWLink to sell directly to Crestron, prompting OWLink to file suit, Johnson said.

“At trial, we told the story of Cypress’s double-cross, and the jury awarded \$26.2 million,” she said.

In addition to these trials, Johnson played a pivotal role in the U.S. Soccer Federation and U.S. Women’s National Team’s Equal Pay dispute. Her efforts brought the case to the brink of trial before achieving a summary judgment, which facilitated a successful renegotiation of the federation/team’s agreement and a renewed focus on promoting women’s soccer and achieving equal pay at the international level.