



Don J. Mizerk

PARTNER

Don is an experienced litigator of patent infringement and other complex intellectual property and commercial cases.

His extensive patent litigation experience includes injunction hearings, Markman proceedings, trials and appeals to the U.S. Court of Appeals, Federal Circuit. He has represented clients in patent cases involving a wide range of technologies, including pharmaceuticals, gaming devices, aluminum alloys, silicon on insulator manufacturing, computer software, garage door controls, credit card marketing business methods and ergonomic computer accessories.

Don has extensive experience at both the trial and appellate level litigating highly specialized Hatch-Waxman statutory patent infringement and other actions involving prescription pharmaceutical drugs, including such blockbuster drugs as Wellbutrin XL[®] (bupropion), Strattera[®] (atomoxetine), Adderall XR[®] (mixed amphetamine salts), Clarinex[®] (desloratadine), Amrix[®] (cyclobenzaprine), Enablex[®] (darifenacin), Cymbalta[®] (duloxetine), Luvox CR[®] (fluvoxamine), Ryzolt[®] (tramadol), Seroquel XR[®] (quetiapine) and Ambien CR[®] (zolpidem), among others.

Don has represented clients in complex commercial litigation relating to real estate sales, smartphone development, stock options, retail advertising and software development. He also has significant appellate experience and has argued many cases before the Federal Circuit, Seventh Circuit, Illinois Supreme Court and Illinois Appellate Court.

Prior to joining the firm in 2009, Don was a partner at Winston & Strawn LLP. From 1991 to 1996, he served as an Assistant State's Attorney in the Cook County State's Attorney's Office, where he was chief assistant to Cook County State's Attorney Jack O'Malley.

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Practices

Intellectual Property
Intellectual Property Litigation
Antitrust & Unfair Competition
Appellate
Business Litigation
Life Sciences

Professional Associations & Memberships

- American Prosecutors Research Institute, Bias Crime Project Advisory Committee, Board Member, 1995-1999
- Federal Circuit Bar Association, 1999
- Illinois Attorney General's Office, Transition Team, 1994-1995
- National District Attorneys Association, Board of Directors, 1996-1997

Civic Involvement

- Illinois Motor Vehicle Theft Prevention Council, Grant Review Committee, 1993-1996
- Illinois Wesleyan University, Chicago Leadership Council, 1991-1996, 2005-present

Admissions

- Illinois, 1988
- California, 2000
- U.S. District Court, Central District of California, 2004

- U.S. District Court, Northern District of California, 2011
- U.S. District Court, Northern District of Illinois, 1989
- U.S. District Court, Northern District of Illinois (Trial Bar), 2005
- U.S. Court of Appeals, Federal Circuit, 1997
- U.S. Court of Appeals, Sixth Circuit, 1989
- U.S. Court of Appeals, Seventh Circuit, 2003
- U.S. Supreme Court, 1992

Clerkships

- Law Clerk, The Hon. Harry W. Wellford, U.S. Court of Appeals, Sixth Circuit, 1988-1989

Education

- J.D., Vanderbilt University Law School, 1988
Order of the Coif
Vanderbilt Law Review, Senior Articles Editor
- B.A., Political Science, Illinois Wesleyan University, *magna cum laude*, highest research honors, 1985

Publications & Presentations

- Author, "Motions at the Close of All the Evidence," *Illinois Civil Practice*, Vol. 3, 2003
- Author, "The Coercion Test and Conditional Federal Grants to the States," 40 *Vanderbilt Law Review* 1159, 1987
- Speaker, "Discovery Strategies and Pretrial Tactics," American Conference Institute's 5th Annual Paragraph IV Disputes Conference. May 2011
- Speaker, "A Closer Look at Generic v. Generic Lawsuits," American Conference Institute's 4th Annual Paragraph IV Disputes Conference, New York, N.Y., April 2010