



Don J. Mizerk
PARTNER
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About the Attorney

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

Don has extensive patent litigation experience, including 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) 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 in the Cook County State's Attorney's Office, where he was chief assistant to Cook County State's Attorney Jack O'Malley. Don also served as judicial law clerk to the Hon. Harry W. Wellford of the U.S. Court of Appeals, Sixth Circuit.

Professional Affiliations

- Illinois Wesleyan University, Chicago Leadership Council, 1991-1996, 2005-present
- Federal Circuit Bar Association, 1999
- American Prosecutors Research Institute, Bias Crime Project Advisory Committee, Board Member, 1995-1999
- National District Attorneys Association, Board of Directors, 1996-1997
- Illinois Motor Vehicle Theft Prevention Council, Grant Review Committee, 1993-1996
- Illinois Attorney General's Office, Transition Team, 1994-1995

Publications and 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

Practice Areas

- Intellectual Property
- Intellectual Property Litigation
- Antitrust & Unfair Competition
- Appellate
- Business Litigation

Education

- J.D., Vanderbilt University, 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

Admissions

- Illinois, 1988
- California, 2000
- U.S. District Court, Central District of California, 2004
- 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, Seventh Circuit, 2003
- U.S. Court of Appeals, Sixth Circuit, 1989
- U.S. Supreme Court, 1992