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Don Mizerk Speaks with *Managing IP* on ANDA Litigation Strategy in the District of Delaware

Husch Blackwell partner Don Mizerk recently spoke with *Managing IP* to discuss Abbreviated New Drug Application (ANDA) litigation strategy for cases filed in the District Court for the District of Delaware, which was the most popular venue for ANDA litigation in 2022.

Because of the venue's popularity, it can cause delays from the Court in ruling on motions.

Mizerk said he "once filed a motion to dismiss in the District of Delaware for lack of venue and the motion delayed the case by a year." He said he tries not to file these motions, but added it "sometimes makes sense to even though doing so could result in delays."

Mizerk added that to move cases along more quickly, he tries to "start producing discovery earlier in cases, does things without being asked and answers complaints before his clients are officially served with them."

He noted a recent May 2022 opinion that showed how overwhelmed they are with the amount of work they do, "...even good judges can't handle the caseload and give the parties the attention they need sometimes." He asserted that it would be better if was easier to transfer cases to other jurisdictions.

Read the full article: Delaware delays make pharma counsel choose patent motions carefully, *Managing IP* (log-in required)