



## Mark H. Izraelewicz

Partner

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For more than 20 years, Mark Izraelewicz has delivered winning results to clients such as Amgen and Eli Lilly. Mark leads the firm's Hatch-Waxman pharmaceutical litigation practice. He has tried cases as a first-chair trial counsel, and argued appeals to the Federal Circuit. Mark's success comes from his scientific background in synthetic organic chemistry, and experience prosecuting patent applications. He has represented Spectrum Pharmaceuticals in a series of litigations and at trial, including serving as Spectrum's first-chair trial counsel in a January 2015 bench trial, and in the subsequent appeal, in a case concerning Spectrum's oncology drug Fusilev®.

Mark's ability to analyze and master issues efficiently flows from his training as a scientist, with a master's in chemistry, cutting edge research at The Scripps Research Institute, and applied work at Abbott Laboratories. Mark has been selected as one of the "World's Leading Patent Practitioners" from 2015-2020 by *Intellectual Asset Management (IAM)* magazine. In 2013, he was selected for inclusion in the *Illinois Rising Stars*® list, featuring outstanding young attorneys in the state.

### Practices

- IP Litigation
- ITC 337 Investigations

### Industries

- Biotechnology & Life Sciences
- Chemical Sciences
- Pharmaceutical

## Representative Experience

- Served as first-chair trial and appellate counsel in litigation asserting Spectrum Pharmaceuticals' patent to block FDA approval of Sandoz's Abbreviated New Drug Application to market a generic form of Spectrum's oncology drug Fusilev®.
- Successfully tried a case concerning the ownership of patents covering Applied Biosystems' next-generation DNA sequencing machines for Illumina in the U.S. District Court for the Northern District of California.
- As a member of the trial team, successfully protected Amgen and its blockbuster drug Epogen® against an attempt by Hoffman-LaRoche to bring a competing product to market in the U.S. District Court for the District of Massachusetts.

## Background and Credentials

Mark assists clients in all aspects of patent practice, with an emphasis on patent litigation in the U.S. District Courts. He has technical expertise in chemistry, biochemistry, and biotechnology.

Mark received his law degree from The University of Chicago Law School, where he was a Baker Scholar. Prior to law school, he was a chemist at Abbott Laboratories in North Chicago, where he developed processes for production of drug candidates for use in biological testing.

While completing his M.S. at the University of California-San Diego, Mark was the recipient of the Harold C. Urey Graduate Fellowship. As a graduate student, he engaged in cutting-edge research at The Scripps Research Institute under the direction of Professor K.C. Nicolaou. His primary research interests focused on the total synthesis of complex, naturally-occurring compounds. He received a B.S. in biochemistry from the State University of New York at Buffalo, where he conducted research in both chemistry and biochemistry and was the recipient of the Ronald E. McNair Undergraduate Research Fellowship for the promotion of undergraduate scientific research.

## Education

- The University of Chicago Law School (J.D.)
- University of California, San Diego (M.S.)
  - Chemistry
- State University of New York, Buffalo (B.S.)
  - Biochemistry

## Bar Admissions

- Illinois
- U.S. Circuit Court of Appeals, Federal Circuit
- U.S. District Court, Northern District of Illinois, Trial Bar
- U.S. Patent and Trademark Office

## Publications and Presentations

- "What To Expect In Patent Litigation This Year," co-author, *Law360*, January 3, 2020.
- "Avoiding Willful Infringement Under the Evolving Willfulness Standard," IP Strategy Summit: Orange County, February 23, 2017.
- "Strategies to Avoid Willful Infringement Under the Evolving Standard for Willfulness," IP Defense Summit: Boston, November 3, 2016.

## Representative Matters

*Spectrum Pharmaceuticals, Inc. et al.\* v. Sandoz Inc.*  
District of Nevada; Federal Circuit

*Spectrum Pharmaceuticals, Inc. et al.\* v. Mylan Teoranta et al.*  
Federal Circuit

*Allos Therapeutics, Inc., et al.\* v. Teva Pharmaceuticals USA, Inc., et al.*  
District of Delaware

*Eli Lilly & Co.\* v. Synthron, Inc. et al.*  
Eastern District of North Carolina

*Amgen Inc.\* v. F. Hoffman LaRoche et al.*  
District of Massachusetts

*Pfizer, Inc. & Northwestern Univ.\* v. Teva Pharms. Inc., et al.*  
District of Delaware

*Applera Corp. -- Applied Biosystems Group v. Illumina Inc., et al.\**  
Northern District of California; Federal Circuit

*Illumina Inc., et al.\* v. Complete Genomics, Inc.*  
Northern District of California

*Danisco A/S\* v. Novozymes A/S*  
Southern District of New York

*Default Proof Credit Card System v. Home Depot U.S.A.\**  
Southern District of Florida; Federal Circuit

*Golden Voice Technology & Training\* v. Rockwell International, et al.*  
Middle District of Florida; Federal Circuit

*Mass Engineering Design, Inc & Jeery Moscovitch v. CDW Corp.\* et al.*  
Eastern District of Texas

*Dimplex N.A., Ltd. v. Twin Star Int'l, Inc.\* and Menards, Inc.\**  
Northern District of Illinois

*Headwaters, Inc. v. AKJ Industries, Inc.\* and Polymer Ventures, Inc.\**  
Eastern District of Kentucky

*Etymotic Research, Inc. v. Phonak, LLC \*and Phonak AG\**  
Northern District of Illinois

*David H. Sitrick\* v. Freehand Systems Inc.*  
Northern District of Illinois

*Bob Creeden & Associates, Ltd. v. Infosoft, Inc.\**  
Northern District of Illinois

\*Party Represented