



## Daniel T. Chavka

Partner

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Daniel T. Chavka is a registered patent attorney, focusing his practice on patent procurement and portfolio strategy. He thrives on engaging with the latest technological advancements, particularly in the medical device space, and is passionate about finding creative ways to protect the inventions of his clients. In-house counsel and managers, invention review committees, and inventors rely on Daniel's extensive experience to help them to evaluate new innovations, develop protection strategies, and implement those strategies around the world.

Much of his prosecution experience has been high-stakes and complex, entailing competitor surveillance to devise claims of strategic value, appealing rejected applications to the Patent Trial and Appeal Board and equivalent bodies abroad, and leveraging continuation and divisional applications to maximize the reach of his clients' portfolios.

Daniel is experienced in leading freedom-to-operate investigations, including for products nearing commercial launch. He is skilled in advising individuals across an organization, from executives to product developers, on how to safely maneuver through what can appear to be a maze of patent claims. These activities often result in Daniel rendering formal opinions on patent non-infringement and invalidity. Clients also turn to Daniel for due diligence and analysis when acquiring patent portfolios and when surveying the patent landscape to gain insight into the patenting activities of their competitors.

Daniel served as a patent examiner in the medical device arts at the U.S. Patent and Trademark Office (USPTO). He leverages the insights he gained as an examiner to hone the prosecution strategies of his clients, for both quality and efficiency. His examiner experience is particularly useful in guiding foreign-derived applications through the USPTO.

### Practices

- Patent Prosecution
- Post-Grant Patent Proceedings

### Industries

- 3D Printing
- Automotive & Transportation
- Consumer Products
- Electrical & Computer Technologies
- Industrial & Mechanical Technologies
- Insurance & Financial Services

- Medical Devices

## Accomplishments

- Led multiple *ex parte* appeals before the Patent Trial and Board, including oral arguments, with a successful track record of overturning difficult obviousness rejections
- Led a comprehensive freedom-to-operate analysis and advised on product design for a medical device, enabling a publicly-traded company to successfully launch the product
- Drafted and prosecuted hundreds of patent applications across a variety of mechanical, electromechanical, and software technologies in the USPTO and foreign patent offices
- Managed and contributed to multiple oppositions of European patents relating to drug delivery devices
- Named by Emerging Lawyers Magazine as an Emerging Lawyer in 2025, 2022, 2021, and 2020, an award granted to the top 2% of Illinois attorneys who are 40 years old or younger or who have been practicing for 10 or fewer years

## Education

- Chicago-Kent College of Law, Illinois Institute of Technology (J.D.)
- University of Illinois, Urbana-Champaign (B.S., *with honors*)
  - Mechanical Engineering
  - English minor

## Bar Admissions

- Illinois
- Virginia
- U.S. Patent and Trademark Office

## Publications and Presentations

- "[Competitor Insight: Firms Reveal Medical Device Opportunities](#)," *Managing IP*, Quoted as an Expert, March 17, 2025.
- "Medical Device Update: § 101 Rejections & Combination IP Considerations," CLE Presentation, Sole Presenter, January 23, 2025.
- "[How Patent Landscape Studies Can Guide Medical Device Innovation](#)," Author, *Medical Design Briefs*, September 2019 issue.
- "Chicago Women in IP (ChiWIP) Roundtable Series: 3D Printing," CLE Presentation, Co-Presenter & Panelist, May 2, 2018.
- "[Making 3D Printing Eco-Friendly: A Potential Opportunity for Patent Protection](#)," *INNOVATE Magazine*, Co-Author, September 2018 Issue.

See Daniel's additional thought leadership.

## Insights

March 17, 2025

**"Competitor Insight: Firms Reveal Medical Device Opportunities"**

Managing IP

September 16, 2019

**"How Patent Landscape Studies Can Guide Medical Device Innovation"**

Medical Design Briefs

September 2018

**"Making 3D Printing Eco-Friendly: A Potential Opportunity for Patent Protection"**

INNOVATE Magazine

May 2, 2018

**3D Printing Roundtable**

Fall 2017 Edition

**"Making 3D Printing Eco-Friendly: A Potential Opportunity for Patent Protection"**

Illinois Manufacturers' Association Journal

February 17, 2016

**"Breakfast Briefings 2016"**

Illinois Manufacturers' Association

June 18, 2015

**"Federal Circuit Changes Standard For Evaluating Means-Plus-Function Claims"**

Marshall Gerstein Alert

August 2014

**"Fallout from Alice Corp. v. CLS Bank: A Patent Prosecutor's Perspective"**

November 2011

**"Recent Patent Office Examination Guidelines Addressing Means-Plus-Function Claim Limitations"**

## Client Successes

### **Amgen Launches New Neulasta® (Pegfilgrastim) Wearable Delivery Kit**

In 2015, Amgen announced that the Neulasta® (pegfilgrastim) OnPro™ Kit is now available in the United States (U.S.). The Neulasta® OnPro™ Kit includes a specially designed single-use prefilled syringe co-packaged with a new On-Body Injector. With the Neulasta® OnPro™ Kit, the healthcare provider (HCP) initiates administration of Neulasta® with the On-Body Injector on the same day as cytotoxic chemotherapy. Administration is delayed however, and this results in the automatic delivery of the patient's full dose of Neulasta® the day following chemotherapy administration. This advantageously eliminates the need for the patient to return to the HCP to receive the Neulasta® injection, which can be physically and emotionally challenging a mere day following cytotoxic chemotherapy treatment.

Marshall, Gerstein & Borun LLP worked closely with Amgen to navigate a sophisticated and complex field of prior art to build a robust international patent portfolio directed to the novel On-Body Injector included within the Neulasta® OnPro™ Kit.

Infections send 200,000–300,000 cancer patients to the hospital per year. The Neulasta® OnPro™ Kit makes delivery of infection-fighting drugs one less worry for those fighting the disease.

### **Easing the Use of Patient Care at Home**

Amgen launched its Enbrel Mini™ single-dose prefilled cartridge with AutoTouch™ reusable autoinjector in the United States in 2017. The AutoTouch™ reusable autoinjector has an ergonomic design that includes features that were designed with patients in mind, including an ergonomic handle, a needle designed to stay hidden during the injection, a sensor to detect placement on skin, a speed switch with three injection speeds, a progress bar and a speaker.

Amgen turned to the patent attorneys at Marshall Gerstein for development of an extensive patent portfolio to protect this ground-breaking device. The patent strategy for the device evolved in real time along with the device. This process requires a close relationship and open line of communication between the patent attorneys, engineers, and business executives at Amgen. This unique relationship allowed Marshall Gerstein to have a deeper understanding of the technology and how it was being developed and commercialized.

The Marshall Gerstein team possesses a wealth of knowledge relating to medical devices which allowed them to more easily identify which features of a given device can and should be patented. This advantage helps save clients time and money and presents clients with opportunities they may not have seen previously.