



Michael (Mike) P. Furmanek

Partner

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Across a wide range of industries, Mike collaborates closely with clients to craft tailored intellectual property strategies that foster innovation and safeguard market position. His practice is currently centered on patent-related matters involving medical devices, robotics, biopharma research and manufacturing, consumer products, construction materials, outdoor recreation, and automotive technologies.

With nearly two decades of experience, Mike has developed deep expertise in analyzing prior art, drafting and prosecuting patent applications, rendering strategic patent opinions, and managing complex IP portfolios. This foundation has been instrumental in his successful representation of clients in post-grant proceedings before the USPTO, including inter partes reviews.

Mike's success is driven by a combination of technical insight, strategic focus, and a deep understanding of both the legal and engineering aspects of innovation. His perspective is shaped not only by his extensive private practice experience but also by his hands-on work in an automotive R&D lab and as in-house counsel at a leading automotive company—giving him a well-rounded, practical approach to advising clients at every stage of innovation.

Mike is routinely identified by his peers as a respected and trusted advisor, having been selected for 5 consecutive years (2012–2016) for inclusion in the *Illinois Rising Stars*[®] lists, featuring outstanding young attorneys in the state. Since 2018, he was selected as a "Leading Lawyer" by *Leading Lawyer Magazine*. He was recognized as an "Emerging Lawyer" in the 2015–2017 editions of *Emerging Lawyers Magazine*, in which individuals are recognized among the top up-and-coming attorneys in Illinois who are under 40 or have been practicing less than 10 years. Additionally, Mike has been selected as one of the "World's Leading Patent Practitioners" by *Intellectual Asset Management (IAM)* magazine since 2015.

Practices

- Patent Prosecution
- Post-Grant Patent Proceedings

Industries

- Automotive & Transportation
- Cleantech & Renewables
- Consumer Products
- Industrial & Mechanical Technologies

- Medical Devices

Representative Experience

- After first securing broad and blanketing patent rights on a client's revolutionary refrigerator shelf product, successfully defended a competitor's attack on those rights in the U.S. Patent Office's nuanced inter partes review proceedings.
- Advised and counseled global consumer safety organization through redeveloping and redefining its internal invention protection program.
- Successfully secured a multitude of patents for international process controls company by creatively highlighting innovative and novel developments in century-old fields of art.
- Built international patent portfolio for Fortune 500 pharma company, directed to novel wearable injector developed for automatically administering an infection-fighting therapeutic the day after cytotoxic chemotherapy.
- Prosecuted numerous international patents to grant, providing blanketing protection for client's revolutionary hand-held drug delivery device, including various features to facilitate usability and optimize user experience.

Background and Credentials

Mike focuses on preparing and prosecuting patent applications, both domestic and abroad, as well as advising clients on patent portfolio management, patentability, patent enforcement, and related concerns. He also has experience counseling clients on general trademark matters.

He is the former chair of the Industrial & Mechanical Technologies practice group, an active member of the firm's CleanTech group, and former elected member of the firm's Associates' Committee.

Mike brings a valued understanding of client needs from his experience before joining the firm as in-house patent counsel for an automotive supplier in Nagoya, Japan. There, he was responsible for managing the preparation and prosecution of multinational patent applications in a variety of technical fields.

Mike received his J.D. from DePaul University College of Law where he became a member of the DePaul Law Review and received the DePaul College of Law Top Scholar Scholarship. Before attending law school, he received his B.S. degree in mechanical engineering from the University of Michigan, Ann Arbor.

Education

- DePaul University College of Law (J.D.)
- University of Michigan (B.S.)
 - Mechanical Engineering

Bar Admissions

- Illinois
- Michigan
- U.S. District Court, Eastern District of Michigan

- U.S. District Court, Northern District of Illinois
- U.S. Patent and Trademark Office

Publications and Presentations

- ["Federal Circuit Changes Standard For Evaluating Means-Plus-Function Claims,"](#) Co-Author, *Marshall Gerstein Alert*, June 18, 2015.
- ["First-to-File: The race to the patent office is on,"](#) Co-Author, *The Illinois Manufacturer*, Fall 2013.
- ["Trademark Owners: Nine steps to defend your brand on the new Internet,"](#) Co-Author, *The Illinois Manufacturer*, Fall 2012.

Insights

June 18, 2015

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

Marshall Gerstein Alert

Client Successes

Eliminating Spillover via an Inter Partes Victory

The Firm secured a complete victory for SSW Holding Company, Inc., in an inter partes review proceeding challenging the validity of an SSW patent, making its client one of just a handful to emerge from the newly established inter partes review process with every challenged patent claim fully intact.

Inter partes review (IPR) is a streamlined process for challenging patents created through the Leahy-Smith America Invents Act of 2011 and, to date, has proven favorable to those challenging patents. Of the 78 decisions issued in IPR proceedings through June of 2014, the Patent Trial and Appeal Board cancelled or invalidated nearly 80 percent of the patent claims before it. In only 14 percent of such cases did the board find in favor of the patent owner with respect to all of the patent claims under consideration, as it did in *Schott Gemtron Corp. v. SSW Holding Company, Inc.* The Patent Trial and Appeal Board's decision rejected arguments that SSW's patent—which covers spill-containing refrigerator shelving technology used by major appliance manufacturers—was "obvious" and therefore invalid. Oral argument in the case took place on June 23, 2014.

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.