

Don J. Pelto

Partner

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OVERVIEW

Don Pelto is a partner practicing intellectual property and patent litigation in the firm's Washington, D.C. office. He serves as co-leader of the firm's Intellectual Property Practice Group and Life Sciences team.

Mr. Pelto is a registered patent attorney and represents domestic and international clients in intellectual property litigation, counseling, technology transfer and procurement. Specifically, he has particular experience with technological developments in the fields of molecular biology, pharmaceuticals, bioinformatics, pharmaceutical small molecules, diagnostics, medical products and devices, and surgical methods and devices.

Mr. Pelto's litigation experience includes interferences, Section 337 actions, District Court infringement actions and Federal Circuit appeals. He has written opinions on freedom to operate, noninfringement and invalidity. In addition, Don has experience in the preparation and prosecution of patent applications and licensing and technology transfer. Mr. Pelto has successfully asserted and defended against patent, trademark and copyright infringement claims, both in the U.S. District Courts and the International Trade Commission. He has also successfully represented clients in appeals before the United States Court of Appeals for the Federal Circuit.

Before entering law school, Mr. Pelto was a Research Biologist with the National Institutes of Health, National Institutes on Aging where he performed original research in conjunction with the Laboratory of Neurosciences and the Laboratory of Cardiovascular Sciences.

EDUCATION

- J.D., University of Baltimore School of Law, 1985
- B.S., Biological Sciences, University of Maryland, 1982

ADMISSIONS

- California
- District of Columbia
- Maryland
- U.S. Patent and Trademark Office

EXPERIENCE

Representative Matters

PRACTICE AREAS

- Intellectual Property
- Food and Drug Regulatory

INDUSTRIES

- Life Sciences

- Alaven Pharmaceutical, LLC v. Everett Laboratories, Inc., Civil Action No. 08-01355-CC (N.D. Ga.)
- Armano v. Puricle Incorporated, Civil Action No. 05-2904 (D. Md.)
- Avi Weitzner, M.D. vs. Everett Laboratories, Inc. No. ESX-L-737-05 (N.J. Super)
- Breckenridge Pharmaceutical, Inc. v. Everett Laboratories, Inc., Civil Action No. 09-80015 (S.D. Fla.)
- Breckenridge Pharmaceutical, Inc. v. Everett Laboratories, Inc., Appeal No. 2008-1601 (Federal Cir.)
- Breckenridge Pharmaceutical, Inc. v. Everett Laboratories, Inc., Civil Action No. 08-80699 (S.D. Fla.)
- C. B. Fleet Co., Inc. v. Unico Holdings, Inc., Civil Action No. 07-80291 (S.D. Fla.)
- Catch Curve, Inc. v. Comodo Group, Inc., Civil Action No. 07-00489 (N.D. Ga.)
- CatchCurve v. GoDaddy.com, Inc., Civil Action No. 06-2201 (N.D. Ga.)
- Everett Laboratories, Inc. v. River's Edge Pharmaceuticals, LLC, Civil Action No. 09-3458 (JLL) (CCC) (D.N.J.)
- Everett Laboratories, Inc. v. Breckenridge Pharmaceutical, Inc., Civil Action No. 09-00177 (D.N.J.)
- Everett Laboratories, Inc. v. Breckenridge Pharmaceutical, Inc., Civil Action No. 08-3156 (D.N.J.)
- Everett Laboratories, Inc. v. Breckenridge Pharmaceutical, Inc., 573 F.Supp.2d 855 (D.N.J. 2008)
- Everett Laboratories, Inc. v. River's Edge Pharmaceuticals, LLC, Civil Action No. 09-3458 (JLL) (CCC) (D.N.J.)
- Everett Laboratories, Inc. v. River's Edge Pharmaceuticals, LLC, Civil Action No. 08-00075 (D.N.J.)
- Everett Laboratories, Inc. v. Vertical Pharmaceuticals, Inc., Civil Action No. 05-5926 (D.N.J.)
- Everett Laboratories, Inc. v. Vertical Pharmaceuticals, Inc., Civil Action No. 06-1661 (3d Cir.)
- Fitness Quest Inc. v. Wonderfulbuys.com, Civil Action No. 06-2204 (N.D. Ohio)
- Frontier Devices, Inc. v. MinSURG Corporation, Inc., MinSURG International, Inc. f/k/a Othorpedic Development Corporation, Civil Action No. 10-P-1796-S (N.D. AL S. Div.)
- Houdini, Inc. v. Metrokane Corporation, Civil Action No. 08-03076 (C.D. Cal.)
- Markwins Beauty Products v. Mirage Cosmetics, Civil Action No. 05-4917 (C.D. Cal.)
- Massachusetts Institute of Technology v. Still River Systems, Inc., Civil Action No. 1:10-cv-12186-RWZ (D. Mass.)
- Massachusetts Institute of Technology v. Still River Systems, Inc., Civil Action No. 1:10-cv-12225-RWZ (D. Mass.)
- Minsurg International, Inc. v. Nuvasive, Inc., et al., Civil Case No. 10-CV-1589 (M. D. Fla.)
- NuFix, Inc. and NuTech Medical, Inc. v. MinSURG Corporation, Inc., MinSURG International, Inc. f/k/a Othorpedic Development Corporation, Civil Action No. 10-BE-1747-S (N.D. AL S. Div)
- Orthopedic Development Corp. v. Bacterin International, Civil Action No. 08-0008 (D. Mont.)

- Orthopedic Development Corp. v. DCI Organ Services, Inc., Civil Action No. 08-00167 (M.D. Tenn.)
- Orthopedic Development Corp. v. Mati Medical, LLC, Civil Action No. 08-00413 (N.D. Ohio)
- Orthopedic Development Corp. v. NuFix, Inc and Nutech Medical Inc., Civil Action No. 08-2064 (M.D. Fla.)
- Orthopedic Development Corp. v. Nutech Medical Inc., Civil Action No. 08-00262 (M.D. Fla.)
- Orthopedic Development Corp. v. Silver Surgical Supply, Civil Action No. 08-10696 (E.D. Mich.)
- Orthopedic Development Corp. v. Vikingcraft Spine, Civil Action No. 08-00188 (C.D. Cal.)
- SecurityPoint Holdings, LLC v. U.S.A., No. 1:11-cv-00268-EGB (Fed. Cl. filed May 2, 2011).
- SecurityPoint Media, LLC v. The Adason Group, Civil Action No. 07-00444 (M.D. Fla.)
- Teleshuttle Technologies, LLC v. Microsoft Corp., Civil Action Nos. 04-2927, 04-2928 (N.D. Cal.)
- VG Innovations, Inc. v. MinSURG Corporation, Inc., MinSURG International, Inc. f/k/a Orthopedic Development Corporation, Civil Action No. 10-01726 (M.D. Fla)

HONORS

- Litigation Star, *Benchmark Litigation*, 2009