

# Mark T. Deming

HATCH-WAXMAN & BIOLOGICS VICE CHAIR

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Mark Deming is an intellectual property attorney. His practice includes patent, trademark, trade dress, copyright and trade secret law. He advises companies of all sizes regarding protecting intellectual property rights as well as litigating the same as either plaintiffs or defendants. Mark regularly appears before state and federal courts and agencies, including in the Northern District of Illinois, the District of Delaware, the Central District of California, the Trademark Trial and Appeal Board, and the Patent Trial and Appeal Board. Mark leads all aspects of case development, from initial assessment through discovery, motions practice, claim construction, expert witnesses, trial, and appeal. Mark is also a registered patent attorney.

Mark's practice includes pharmaceutical and medical device patent litigation. He advises both brand-side and generic-side companies at every stage of the product development cycle, including candidate evaluation, loss of exclusivity projection, notice letter preparation, pre-litigation strategy, and post-settlement enforcement. He also regularly litigates Hatch-Waxman cases involving drug product types such as ophthalmic, solid oral, controlled release, transdermal, and topical dosage forms.

Prior to joining Polsinelli, Mark clerked for two years with District Judge Michael Schneider and Magistrate Judge John Love in the United States District Court for the Eastern District of Texas. Mark has a Bachelor of Science degree in Computer Engineering from the University of Illinois Department of Electrical and Computer Engineering.

## Education

- University of Illinois (J.D., *magna cum laude*, with *pro bono notation*, 2009)
  - Dean's List; Lamet Scholar, Civil Litigation Clinic; Member & Administrative Editor, Journal of Law, Technology & Policy
- University of Illinois (B.S., 2006)
  - Computer Engineering

## Bar Admissions

- Illinois, 2010
- Admitted to practice before the United States Patent and Trademark Office, 2012

## Capabilities

- Biosimilars
- Hatch-Waxman & Biologics
- Intellectual Property
- Intellectual Property Litigation
- Litigation
- Patent Litigation
- Restrictive Covenants & Trade Secrets Litigation
- Trademark, Copyright & Branding
- Trademark, Copyright & Branding Litigation

## Court Admissions

- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Seventh Circuit

## Memberships

- Federal Circuit Bar Association

## Recognition

- Selected for inclusion in *Best Lawyers in America*® for Litigation - Intellectual Property, 2023-2026
- Judicial Clerk to the Honorable Michael H. Schneider, U.S. District Court, Eastern District of Texas, 2010-2011
- Judicial Clerk to the Honorable John D. Love, U.S. Magistrate, Eastern District of Texas, 2009-2010

# Matters

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- Represents brand, generic, and specialty pharmaceutical companies in Hatch-Waxman Act cases, including first-filer, subsequent filer, and large multi-defendant NCE-1 cases.
- Regularly appears before Trademark Trial and Appeal Board on behalf of both opposers/petitioners and applicants/registrants in opposition and cancellation proceedings.
- Defends clients accused of patent infringement by non-practicing entities and patent assertion entities.
- Represents both plaintiffs and defendants in trademark, trade dress, and unfair competition cases.
- Advises clients on freedom to operate searches, marketing and branding initiatives, and policing to protect national and international brands.
- Prosecutes patent infringement actions on behalf of patentees and patent owners.
- Drafted *Markman* briefs and argued *Markman* hearings that resulted in favorable, case dispositive claim construction decisions.
- Obtained early dismissal of all asserted patents under *Alice* and successfully defended district court's determination on appeal.
- Successfully defended *Alice* challenges on behalf of patentees.
- Drafted successful appellate briefs and second-chaired appellate arguments in the Federal Circuit and Seventh Circuit.
- Prosecuted and defended inequitable conduct claims, including related *Walker Process* action, on behalf of plaintiffs and defendants.
- Obtained personal jurisdiction dismissals for clients sued in federal district courts in California.
- In Eastern District of Texas, District of Delaware, and District of New Jersey, obtained stays of patent litigations pending resolution of related IPRs.
- Successfully transferred patent infringement action from a rocket docket to a more convenient venue.

# Publications

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April 29, 2026

**How Skinny is Skinny Enough? Takeaways from the SCOTUS Oral Argument in the Amarin/Hikma Case**

January 20, 2026

**Supreme Court Grants Cert. Petition in Hikma / Amarin Skinny Labeling Case**

January 8, 2026

**Polsinelli Life Sciences Spotlight - Volume 3 - Turning Insight into Action: A Life Sciences Playbook for 2026**

June 18, 2025

**Opinion: Recent Precedent Shows Overseas Biosimilars Companies Can Be Sued in US**

*Author, BioSpace*

February 19, 2025

**Personal Jurisdiction Considerations for International Biosimilars Companies**

May 2024

**Patent Basics for Biotech Counsel**

*Co-Contributor, Bloomberg Law*