



David P. Dalke, Ph.D.

Of Counsel

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Dr. David Dalke is both a scientist and registered patent attorney with a background in immunology, genetically engineered monoclonal antibodies, and molecular biology. He has experience representing clients on matters related to life sciences including, biotechnology, nanotechnology, biochemistry, pharmaceuticals, medical devices, gene therapy, antisense technology, as well as gaming machine software, and bar code scanning technology.

David focuses his practice on all aspects of patent and technology law, including patent litigation, portfolio management, strategic counseling, and prosecution. He has represented pharmaceutical clients in technologies ranging from injectable antibiotics to sublingual films and transdermal patches to deliver active ingredients used to treat pain and opioid addiction. Additionally, David has biosimilar experience working on cases involving genetically engineered monoclonal antibodies used to treat a variety of maladies, including rheumatoid arthritis.

Key Matters

David's representative matters include:

- Representing a global, integrated specialty pharmaceutical company in the District of Delaware in ANDA litigation relating to buccal films for treating opioid dependence.
- Represented a global, integrated specialty pharmaceutical company in the District of Delaware in ANDA litigation relating to transdermal patches for treating pain.
- Represented a global, integrated specialty pharmaceutical company in the District of Delaware in ANDA litigation relating to methods for manufacturing sublingual films for treating opioid dependence.
- Represented a global, integrated specialty pharmaceutical company in the District of Delaware in ANDA litigation relating to a sublingual film for treating opioid dependence.
- Represented a worldwide leader in generic pharmaceuticals in a patent infringement matter in the Northern District of California and the District of Massachusetts for technology relating to a biosimilar for treating rheumatoid arthritis.
- Represented a pharmaceutical manufacturer in ANDA litigation in the District of Delaware relating to an injectable antibacterial drug.
- Represented a global provider of integrated communications in a patent infringement matter brought by a non-practicing entity in the Northern District of Illinois for technology relating to use of barcodes to verify and authenticate mail objects.
- Represented a computer peripherals supplier in a patent infringement matter pending in the District of Oregon for technology relating to covers for electronic tablets.
- Represented a global pharmaceutical company in an international arbitration involving a licensing dispute over technology relating to RNA oligomers, including modified nucleosides.
- Represented a world leader in the food and beverage industry in a patent infringement matter brought by a non-practicing entity in the Central District of California for technology relating to software for on-line product design. The case settled soon after a favorable Markman ruling.
- Represented a leading manufacturer of slot machines in a patent infringement matter brought by a non-practicing entity in the District of Nevada for technology relating to electronic slot machines.
- Represented a global medical technology company in a patent infringement matter brought by a non-practicing entity in the Southern District of California for technology relating to computer-assisted, stereotactic surgical procedures.
- Represented a leading manufacturer of slot machines and casino management systems in the District of Delaware in the damages phase of a bifurcated patent litigation, after summary judgment of infringement and no invalidity was affirmed by the Federal Circuit.
- Represented a leading slot machine manufacturer in a trade secret misappropriation case in Nevada state court that settled favorably after the first day of a preliminary injunction hearing.

Recent Experience

Represented TJC, LP in its Acquisition of TIDI Products Holdings, LLC, and its Subsidiaries

Activities

- Member of the American Bar Association
- Member of the American Intellectual Property Law Association
- Co-Chair of the Diagnostics and Gene Patents Subcommittee of the Biotechnology Committee
- Los Angeles Association of Business Trial Lawyers
- Previously served on the board of directors for Concept 7 Family Support and Treatment Centers (2005-2010)
- Previously served on the board of directors of Trabuco Canyon Little League (2010-2012)

David is active in pro bono matters, including the representation of a federal inmate in his petition to vacate his conviction, sentence, and for a new trial per 28 U.S.C. § 2255 in the District of South Carolina. Additionally, he has represented a Los Angeles family in its efforts to adopt a set of twins, has participated in the Innocence Project, and worked with a former U.S. Marine to upgrade his discharge status.

Credentials

EDUCATION

David received a B.A. in biology, *summa cum laude*, from Saint Mary's College of Minnesota in 1989. He received his Ph.D. in immunology from Northwestern University in 1994. His research focused on the formation, modulation, and dissociation of naturally processed antigen-MHC class II complexes in murine B lymphocytes, which has long-term implications for increasing efficacy of drug design and delivery systems. David received his J.D. from Chicago-Kent College of Law in 1997, where he served as associate editor of the *Chicago-Kent Journal of Intellectual Property*.

ADMISSIONS

- U.S. Patent & Trademark Office
- California
- New York

Related Insights & News

Speeches

- Co-Presenter with David Enzminger, "Developments in Intellectual Property Law – What Every General Counsel Should Know," Association of Corporate Counsel - Southern California Chapter, Doubleheader, Los Angeles, CA (November 2013)
- Co-Lecturer, "Representing the Generic Company," Medical Products and the Law, University of Southern California, International Center for Regulatory Science (November 2013, 2014)
- Speaker, "The Business of Science: Synopsis of Patent Law and Overview of the Hatch-Waxman Law," University of California at Irvine, Paul Merage School of Business (May 2007; November 2007; February 2008)
- Speaker, "Current Developments in Ethics for In-House Lawyers," Corporate Counsel Seminar Series, Newport Beach (March 2006; October 2007)

- Speaker, “How to Protect Your IP Assets and Keep Yourself in the Game: Strategic IP Planning,” Staples Center Event (April 2003)

Publications

- David P. Enzminger and David P. Dalke, “Selecting a Litigation Forum From Among the District Courts and the International Trade Commission,” 2010 PLI Patent Litigation Program, at 283.
- George C. Yu, David P. Dalke, and Ben Wang, “A Framework for Protecting Innovations in Personalized Medicine,” Life Sciences Law & Industry (BNA, Inc., Feb. 27, 2009).

Scientific Publications, Abstracts, and Presentations

- A.E. Faassen, D.P. Dalke, M.T. Berton, W.D. Warren, and S.K. Pierce, CD40-CD40 *Ligand Interactions Stimulate B Cell Antigen Processing*, 25 Eur. J. Immunol. 3249-3255 (1995).
- D.P. Dalke, *Formation, Modulation, and Dissociation of Naturally Processed Antigen-MHC Class II Complexes in Murine B Lymphocytes* (1994) (Ph.D. dissertation, Northwestern University).
- Y. Qiu, X. Xu, A. Wandinger-Ness, D.P. Dalke, and S.K. Pierce, *Separation of Subcellular Compartments Containing Distinct Functional Forms of MHC Class II*, 125 J. Cell Biol. 595-605 (1994).
- S.K. Pierce, A.E. Faassen, Y. Qiu, X. Xu, P. Schafer, and D.P. Dalke, *Regulation of Antigen Processing and Presentation in B Lymphocytes*, in *Regulation of Antigen Processing* (R. Humphrey and S.K. Pierce, editors, Academic Press, 1993).
- E.W. Marsh, D.P. Dalke, and S.K. Pierce, *Biochemical Evidence for the Rapid Assembly and Disassembly of Processed Antigen-MHC Class II Complexes in Acidic Vesicles of B Cells*, 175 J. Experimental Med. 425-436 (1992).
- D.P. Dalke, and S.K. Pierce, *The Disassembly of Processed Antigen-Class II Complexes*, FASEB Annual Meeting at Anaheim, California (1992).
- D.P. Dalke, *Antigen Processing and Presentation in B Lymphocytes*, Biology Department Seminar at St. Mary’s College of Minnesota, Winona, Minnesota (1992).
- D.P. Dalke, E.W. Marsh, and S.K. Pierce, *Both Assembly and Disassembly of Processed Antigen-MHC Class II Complexes Require Acidic Vesicle Function*, American Society for Cell Biology Annual Meeting at Boston, Massachusetts (1991).

RECOGNITIONS

Winston Named as IAM Patent Litigation Firm of the Year

JANUARY 30, 2020

SPEAKING ENGAGEMENT

Winston Sponsors & Speaks at USC’s 2019 IP Institute

MARCH 18, 2019

RECOGNITIONS

LMG Life Sciences Awards 2018 Recognize Winston

SEPTEMBER 12, 2018

ARTICLE

New Patent-Defense Path for Pharma

OCTOBER 2014

SPEAKING ENGAGEMENT

Winston Sponsored and Partners Spoke at ACCA-SoCal DoubleHeader® Event on Key IP Topics
NOVEMBER 12, 2013

SPONSORSHIP

Winston Sponsors 2012 *AIPLA Annual Meeting*
OCTOBER 25, 2012

SPONSORSHIP

Winston & Strawn Sponsors USC Intellectual Property Institute
MARCH 15, 2012

IN THE MEDIA

IP Attorney David Dalke Joins Winston & Strawn
AUGUST 2, 2011

PRESS RELEASE

Winston & Strawn Welcomes David Dalke to the IP Litigation Practice of the Los Angeles Office
JULY 26, 2011

Capabilities

Intellectual Property

Patent Litigation

Litigation/Trials

Medical Devices

Life Sciences

Technology, Media & Telecommunications