

Partner

Mark W. Hetzler

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📍 Chicago, IL



Profile

“My goal is to become a trusted partner in each client relationship. Earning trust is essential to my ability to most effectively develop strategy and deliver results tailored to each client’s specific needs.”

Mark W. Hetzler is the Managing Partner at Fitch, Even, Tabin & Flannery.

Over the past 20+ years, Mark has earned a reputation for handling difficult and sophisticated intellectual property matters.

Clients seek Mark’s counsel on a wide range of IP matters, including the following:

- Complex litigation
- IP portfolio development and management
- Complex post-grant proceedings at the U.S. Patent and Trademark Office
- Corporate IP and product development and clearance policies and programs
- Licensing programs
- Due diligence investigations
- Acquisition of start-ups by major enterprises
- IP acquisition and sales
- Government and technology transfer contracting
- “Buy American” requirements for government use or publicly funded projects
- Domestic and international privacy policies and protection

Mark’s clients are diverse. They are comprised of individuals—including renowned scientists—as well as investors, start-ups, market and industry leaders, and many businesses with household names. Mark not only works with many in-house counsels, but acts as general counsel for a number of clients.

Clients seek Mark’s proven experience in building value in their intellectual property and protecting their IP portfolios. Over the years, for example, he has worked with clients at key, strategic stage gates, spotting high-stakes opportunities and potential problems and offering budget-minded recommendations and solutions. These individual, institutional, and corporate clients often rely on Mark’s extensive understanding of government regulations.

A registered patent attorney, Mark’s technical background is in the mechanical, electro-mechanical, hydro-mechanical, controls technology, and manufacturing arts. His representative areas of work include advanced water delivery systems and equipment, monitoring systems, air handling systems, appliances, biomedical products and techniques, building materials, control systems, and electrostatic discharge systems. In addition, he has helped clients working with furniture and home furnishings, irrigation and water conservation systems, large-scale industrial mixing systems,

Education

J.D., Loyola University of Chicago School of Law, 1993

B.S., Mechanical Engineering, Northwestern University, 1989, *with distinction*

Bar Admissions

Illinois

Wisconsin

U.S. Patent and Trademark Office

Illinois Supreme Court

U.S. Supreme Court

U.S. Court of Appeals for the Seventh and Federal Circuits

Numerous U.S. District Courts, including the Northern District of Illinois

Recognition

AV Preeminent® Peer Review Rating, Martindale Hubbell

Named to the Illinois Super Lawyers list for Intellectual Property Law (2004–10; 2014–24)

Named a Leading Lawyer in Illinois in Intellectual Property Law, Copyright & Trademark Law, and Trade Secrets/Unfair Competition Law (2014–24)

Services

Advertising, Marketing + Promotions

Copyrights

International IP Protection

Internet + Domain Names

IP Litigation

Appellate Practice

Brand Enforcement

Commercial + Technology Disputes

Copyright Disputes

IP Professional Responsibility +

Malpractice

cutting tools, material processing and handling equipment, road-building equipment, paper converting (forms, printing, and packaging technology), recreational products, security devices, textiles, vehicle systems and components, and wastewater treatment.

Clients frequently turn to Mark to develop corporate IP policies and strategies, including product development and clearance programs and privacy policies and protection. His privacy work has grown significantly in recent years due to the flood of internet of things products and services. Clients recognize the time and value benefits of white-boarding with Mark's involvement in these areas.

Mark's transactional clients benefit from his experience with litigation and dispute resolution. He has represented clients in various patent, copyright, trademark, unfair competition, trade dress, contract, and licensing disputes. He has successfully litigated cases before district courts throughout the country, as well as before the U.S. Court of Appeals for the Federal Circuit and for the Seventh Circuit. Mark's dispute resolution efforts have resulted in numerous favorable results, including settlements, as well as successful trial results. He also has experience with complex post-grant proceedings at the U.S. Patent and Trademark Office involving core patents for his clients.

Representative Matters

- Represents clients ranging from a global industry leader to many smaller companies in an in-house IP counsel capacity.
- Represents clients in patent portfolio strategic management, including both domestic and foreign protection.
- Represents clients in trademark and internet watch and enforcement programs.
- Provides wide-ranging intellectual property counsel to an industry-leading global manufacturer. Represents the company in enforcement and defense of its patent portfolio. Monitors its design and development agreement program. Successfully represented the company in foreign patent opposition. Drafted and negotiated agreements for Internet of Things platform. Drafted ELUAs and SAAS agreements for software and hosted services.
- Drafted and negotiated agreements for industry leader in software for energy retrofit construction projects, including license termination agreement related to custom software and agreement for cooperative advisor group.
- Advises clients in acquiring technology from government-sponsored laboratories.
- Advises leading global food and beverage company in IP ownership dispute in joint venture.
- Represents clients in the sale of their businesses.
- Assists startup companies in positioning them for acquisition (resulting in successful acquisition of two such companies).
- Represents client in obtaining and enforcing sculpture copyright protection.
- *Rothschild Connected Devices, LLC v. Company X* (E.D. Tex. 2015). Lead counsel in representing the defendant in patent infringement action.
- *LBS Innovations, LLC v. Company X* (E.D. Tex. 2014). Lead counsel representing the defendant in patent infringement action.
- *Olivistar, LLC v. Company X* (E.D. Tex. 2014). Lead counsel representing the defendant in patent infringement action.

ITC Section 337 Disputes

Northern District of Illinois Local
Counsel Services

Patent Litigation

Standard Essential Patents

Trade Secret Litigation

IP Portfolio Management

IP Strategy Development

IP Transactions

Patent Preparation + Prosecution

Product Clearance + Legal Opinions

Reissue + Reexamination Proceedings

Trade Secrets

Trademark + Brand Protection

Industries

Artificial Intelligence

Computer Software + Hardware

Consumer Products + Packaging

Electronics

Environmental Engineering

Internet + E-Commerce

Mechanical Engineering + Manufacturing

Medical Devices + Diagnostics

Transportation

Presentations + Publications

Presentations

- “Going Paperless: No Time Like the Present,” Chicago Bar Association, Chicago, September 12, 2018.

Memberships

- American Intellectual Property Law Association
- Intellectual Property Law Association of Chicago
- Illinois State Bar Association
- National Bar Association