



Elizabeth A. Patton

Partner

epatton@foxrothschild.com



Minneapolis, MN

Tel: 612.607.7202

Fax: 612.607.7100

Elizabeth represents clients in all stages of litigation, from pre-suit advice through trial and appeal. She devotes a large portion of her practice to intellectual property, brand protection, and employment litigation matters on both the plaintiff and defense side.

She is especially experienced in cases involving trademark and patent infringement, false advertising and brand disparagement, misappropriation of trade secrets, violations of non-competition and non-solicitation agreements, breach of contract and other fiduciary duties, and employment discrimination and retaliation. In addition, Elizabeth has represented clients in a variety of other contractual, commercial, and health care litigation disputes.

Services

- Litigation
- Health Law
- Intellectual Property
- IP Litigation
- Labor & Employment
- Employment Litigation
- E-Discovery

Representative Matters

- Obtained preliminary injunctive relief against a client's major retail competitor engaging in false advertising.
- Obtained dismissal of trademark infringement and unfair competition claims against foreign company on jurisdictional grounds.
- Obtained dismissal of a claim that client's trademark was generic and obtained jury verdict on various false advertising statements made by competitor.
- Obtained 8th Circuit order reversing district court's trademark infringement result and adopting initial interest doctrine.
- Obtained dismissal of antitrust lawsuit asserting that client's trademark enforcement efforts were anticompetitive.
- Obtained injunction, affirmed by 8th Circuit, enjoining competitor's patent prosecution activities before U.S. Patent & Trademark Office.
- Successfully defended validity of client's three challenged patents in *inter partes* review proceedings before Patent Trial & Appeal Board, affirmed by the Federal Circuit.
- Secured favorable settlement agreements and conducted successful cease and desist campaigns against clients' competitors engaging in trademark infringement, false advertising and brand disparagement.

- Obtained dismissal of certain contract claims and material limitation on damages for other contract claims against client on summary judgment.
- Obtained dismissal of all tort claims asserted against client under economic loss doctrine.
- Obtained full summary judgment ruling, affirmed by the Minnesota Court of Appeals, for a technology company against a former employee asserting claims of breach of contract, defamation and tortious interference.
- Obtained a full summary judgment ruling, affirmed by the Minnesota Court of Appeals, for a senior living facility against a former employee alleging disability discrimination/retaliation.
- Obtained preliminary injunctive relief in arbitration, affirmed in district court, enjoining violation of non-compete and non-solicit agreements.
- Defeated injunction and obtained voluntary dismissal of lawsuit alleging discrimination over Covid-19 vaccine mandate.
- Obtained dismissal of multiple charges of discrimination filed with the EEOC and state agencies on behalf of various employers.

Before Fox Rothschild

Prior to joining Fox, Elizabeth was an associate at Oppenheimer Wolff & Donnelly LLP. Elizabeth was a member of the Trial Advocacy Team and the Trial Advocacy Board at the University of Iowa College of Law. She was also a member of the Iowa Student Bar Association.

Beyond Fox Rothschild

Elizabeth serves as a housing court volunteer for the Volunteer Lawyers Network, which provides pro bono civil legal services to low-income individuals.

Client Resources

Above the Fold

The increasingly scrutinized area of advertising and marketing has a wealth of legal hurdles. When creating content, advertising professionals and companies need to be cognizant of advertising, trademark, and copyright laws and should avoid finding themselves in hot water with various regulatory agencies, such as the Federal Trade Commission. Elizabeth addresses these emerging trends and issues in the firm's Above the Fold blog.

[View Blog](#)

Bar Admissions

- Minnesota

Court Admissions

- U.S. District Court, District of Minnesota
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Supreme Court
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern District of Michigan

Education

- University of Iowa College of Law (J.D., *with distinction*, 2010)
- Drake University (B.A., *summa cum laude*, 2007)
 - Politics and History

Memberships

- Minnesota Women Lawyers, Equity Committee Co-chair

- Minnesota State Bar Association
- Hennepin County Bar Association

Board of Directors

- Twin Cities Media Alliance, Former Board Member

Honors & Awards

- Selected to the "Best Lawyers in America" list for Litigation - Intellectual Property in Minneapolis, MN by *Best Lawyers* (2024-2026)
- Named to the "Super Lawyers - Rising Stars - Women's Edition" list for Business Litigation in Minnesota (2016-2019)*
- Named a Minnesota "Rising Star" by *Super Lawyers Magazine* (2015-2020)

Publications

May 24, 2023

2023 Minnesota Legislative Session Employment Law Updates: What Employers Need to Know Now