



Donald J. Eglinton

E: dje@wardandsmith.com

P: 252.672.5456

F: 252.672.5477

Post Office Box 867
New Bern, NC 28563-0867

Professional Experience

Don's practice focuses primarily in the area of commercial litigation. This includes, among other matters, disputes involving patent, trademark, and copyright infringement; trade secrets; covenants not to compete; franchise and license agreements; construction; organizational and business matters; and the purchase, sale, and warranty of goods. He has represented parties in some of the most complex and contested trademark and copyright actions filed in the United States District Court for the Eastern District of North Carolina. Don also has represented parties in patent infringement actions filed in North Carolina, Texas, and California, and he has represented parties in cancellation proceedings before the United States Trademark Trial and Appeal Board. He is a speaker for the North Carolina Bar Foundation and has been rated by his peers as being "preeminent" in his fields of law.

Practice Concentrations

Business and Commercial Litigation

Intellectual Property Litigation

Civil Litigation

Construction Litigation

Products Liability Defense

Trusts and Estates Litigation

Education

J.D., Wake Forest School of Law,
1982. Research Editor, [Wake Forest Law Review](#).

M.A., Central Michigan University,
1980

B.E.D., *magna cum laude*, Texas
A&M University, 1974

Admitted to Practice

North Carolina, 1982

All state courts in North Carolina

United States District Court for the
Eastern, Middle, and Western
Districts of North Carolina

United States Court of Appeals for
the Fourth Circuit

United States Supreme Court

Honors and Distinctions*

The Best Lawyers in America, 2009-2018

"Lawyer of the Year," Best Lawyers®, 2014

Ironlawyer Award, 2013

"Legal Elite," Business North Carolina, 2012-2014

"Super Lawyer," North Carolina Super Lawyers, 2011-2018



Representative Experience

Representation of a financial institution in a dispute involving architectural copyright infringement

Representation of a winery in a dispute involving claims of copyright infringement, conversion, and unfair trade practices

Representation of alcoholic beverage distributor regarding trademark infringement, unfair competition, and unfair and deceptive trade practices

Representation of financial institution in a dispute involving patent infringement of a business methods patent

Representation of a corporation in a dispute involving trademark infringement and unfair and deceptive trade practices

Representation of individuals in a Clean Water Act (CWA) and Resource Conservation and Recovery Act (RCRA)

Representation of a financial institution in an income tax challenge involving Market Discount Income

Representation of a transportation company regarding corporate governance and breach of fiduciary duty

Representation of a physician and inventor regarding breach of contract to pay royalties on medical device

Representation of a sign company in a dispute involving copyright infringement and unfair and deceptive trade practices

Representation of a community college in a construction dispute involving asbestos abatement

Representation of a technology company regarding trademark infringement, unfair competition, and unfair and deceptive trade practices

Representation of a medical device company in a dispute involving patent infringement on a medical device (Multi-District Litigation)

Representation of a hotel chain regarding trademark infringement, unfair competition, and unfair and deceptive trade practices

Representation of an engineering company in a dispute involving patent royalties for mechanical devices

Representation of a financial institution in a commercial dispute involving breach of contract and an indemnification provision

Professional and Community Affiliations

American Bar Association — Sections: Business Law; Intellectual Property Law; Litigation; Tort Trial and Insurance Practice

American Institute of Architects

BarCares of North Carolina, Inc. (former board member)

Carolina Patent, Trademark & Copyright Law Association, Inc.

Eastern North Carolina Inn of Court

Federal Bar Association

Litigation Counsel of America (Fellow)

North Carolina Bar Association — Sections: Antitrust and Complex

Business Disputes Law; Construction Law; Intellectual Property Law;

Litigation

North Carolina State Bar (Board of Law Examiners, Select Drafting Committee; Bar Candidate Committee, Third Judicial District)

** Please see the following websites for an explanation of the membership standards for the following recognitions: www.bestlawyers.com; businessnc.com/special-sections/legal-elite/; and www.superlawyers.com/north-carolina.*