



Lisa B. Pensabene

Partner

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Lisa Barons Pensabene, head of the Firm's Life Science Litigation practice, handles high stakes patent litigation in the pharmaceutical and chemical industries. A first chair trial lawyer, she has led more than twenty major pharmaceutical and chemical patent litigations, leading cases in bench and jury trials, arguing to the Federal Circuit, and leading briefing to the US Supreme Court. She specializes in pharmaceutical patent litigation with her experience spanning drugs for the treatment of cancers, HIV, immunological disorders, diabetes, cardiovascular disease, cold symptoms, neurological disorders, glaucoma, ophthalmic inflammation and pain. Lisa also is well-known as an expert on biosimilars litigation, and was honored to be asked by the largest biotechnology trade organization to file its amicus briefing on the meanings of the statute. Lisa is well-versed in post grant review procedures in the Patent Office, particularly *inter partes* review procedures.

The recipient of numerous accolades, Lisa remains most proud of clients' continuing trust in the work of her team. Lisa was named Hatch-Waxman Litigator of the Year - Branded by *LMG Life Sciences* (2020), General Patent Litigator of the Year (2015), and named a "Life Science Star." She was named to *Managing Intellectual Property's* global list of the "Top 250 Women in IP" (2018-2020). She was shortlisted for the "Best Woman in Patent Law" by *Euromoney* in 2014. In her repeated recognition as a leading attorney in *IAM Patent 1000*, clients say: "Tenacious, tireless and thorough, Lisa is always someone you can trust." *IAM* reports clients call Lisa "smart and strategic," praise her ability to "master very complex science and explain it to a lay audience" and recount that "Lisa is a great writer and a terrific

Admissions

Bar Admissions

New York

Delaware

Court Admissions

US District Court for the District of Delaware

US Court of Appeals for the Federal Circuit

US Supreme Court

Education

Georgetown University, J.D.,
1991: *magna cum laude*, Order of the Coif

Pennsylvania State University, B.S.,
Biology, 1986

advocate in court, and a true pleasure to deal with.” She has also been listed in *IAM 250: The World’s Leading Patent Litigators*. She is recognized by *Legal 500* which notes that she heads O’Melveny’s life sciences practice. *Chambers* notes that she is a “key partner” in the New York office.

Experience

- Lead trial counsel for international pharmaceutical company against multiple generic challengers on patents related to treatment of HIV.
- Lead trial counsel for international pharmaceutical company against multiple generic challengers on patents related to injectable multiple myeloma treatment.
- Lead counsel in *inter partes* review relating to breast cancer treatment.
- Lead trial counsel for international pharmaceutical company against multiple generic challengers on patents related to breast cancer treatment.
- Lead trial counsel for international pharmaceutical company against generic company on patents related to treatment for ophthalmic inflammation in district court litigation and representing company in *inter partes* review.
- Lead counsel for international biotechnology trade organization in amicus briefing in the Federal Circuit.
- Lead counsel for international biotechnology company on issues of biosimilars and *inter partes* review.
- Lead trial counsel for international pharmaceutical companies against generic companies on patents related to anti-platelet treatment.
- Lead trial counsel for international pharmaceutical company against biotechnology company on patents related to recombinant antibodies.
- Co-lead trial counsel for international pharmaceutical company against generic company on numerous patents covering an ophthalmic antibiotic preparation.
- Lead trial counsel for international pharmaceutical company against generic companies on a patent covering an immunosuppressant drug.
- Lead trial counsel for biotechnology company against the Patent Office in district court action on patent term extension.
- Lead trial counsel for international pharmaceutical company against generic company on a patent on an angiotensin receptor blocker used as an active ingredient in high blood pressure medicines.
- Represented international pharmaceutical company against generic company on a patent relating to a herpes treatment.
- Lead trial counsel for international pharmaceutical company against generic companies on a patent covering a treatment for symptoms of Sjogren's Syndrome.
- Represented international pharmaceutical company against generic companies on a patent covering a treatment for psychotic disorders.
- Lead trial counsel for international pharmaceutical company against generic companies on a patent for the formulation of a beta blocker treatment for high blood pressure and angina pectoris.
- Lead trial counsel for international pharmaceutical company against generic companies in a multi-district litigation on patents covering a calcium channel blocking treatment for high blood pressure.

- Represented international pharmaceutical company against another international pharmaceutical company on a patent for a treatment to prevent diabetes.
- Represented international pharmaceutical company against generic companies on a patent for a nasally administered pain medication.
- Represented international chemical company against international chemical company on a patent relating to a tire yarns.
- Represented international chemical company against international chemical company on a patent relating to magnetic recording tape.

Professional Activities

Co-founder

- WIN: Women in Intellectual Property Network

Member

- American Bar Association
- New York State Bar Association
- Delaware Bar Association
- New York Intellectual Property Law Association
- Delaware Intellectual Property Law Association
- National Association of Women Lawyers (NAWL)
- ChIPs

Author

- "AI and Life Sciences Patents: Separating Myth From Reality," *New York Law Journal* (March 2020)
- "Potential Crisis in Patent Law? Patent Eligibility of Medical Advances," *Legal Media Group's Expert Guides* (August 2016)
- "Solving the mystery of the patent dance," *Life Sciences Intellectual Property Review* (May 2016)
- Contributing Editor, The Sedona Conference Commentary on Patent Litigation Best Practices: Use of Experts, Daubert, and Motions in Limine Chapter (December 2015)
- "Supreme Court to Decide Legality of Reverse-Payment Settlements in Paragraph IV Disputes," *Financier Worldwide Magazine* (March 2013)
- "Hatch-Waxman Act: Overview," *Practical Law Company* (March 2013)
- "Proving Obviousness? Understanding the Implications of In re Cyclobenzaprine," *China Intellectual Property Magazine* (December 2012)
- "New Uncertainty In Subject Matter Eligibility For Biopharma Products," *Financier Worldwide Magazine* (July 2012)
- "The Legality of Reverse Payment Settlements in Paragraph IV Disputes," *IAM Magazine* (July/August 2012)
- "Pay-for-delay – Payment Settlements in Paragraph IV Hatch-Waxman Disputes," *Financier Worldwide Magazine* (April 2012)

- “Patent Pitfalls and Opportunities for Foreign Companies Operating in the US,” *China Legal Review* (September 2010)
- “Significance of Takeda v. Mylan,” *IP LAW 360* (March 6, 2009)
- “A sea change in wilful infringement,” *Intellectual Asset Management* (October/November 2007)
- “Amending of § 337 to Obtain Gatt Consistency and Retain Border Protection,” *Law and Policy in International Business*, Vol. 22 (1991).

Featured

- *Leading by Example: Elevating Women through Intentionality*, ABA *Landslide* (December 2019)
- “Be All In: A Conversation with Lisa Pensabene,” *Ms. JD* (February 2015)

Speaker

- “What Can Medical Biotechnology Learn from Patent Litigation in Industrial and Agricultural Biotech?” Bio IP Counsels Committee Conference (November 14-16, 2018)
- “The Federal Judges Speak on Paragraph IV Litigation,” ACI’s 12th Annual Paragraph IV Disputes Conference (April 23, 2018)
- “Obviousness Update for PIV Litigation: Latest Developments in the Federal Courts and PTAB,” ACI’s 11th Annual Paragraph IV Disputes Conference (April 24, 2017)
- “Goliath vs. Goliath Patent Wars,” BIO IP Counsels Committee Conference (November 14, 2016)
- “On Sale Bar in a Hatch-Waxman Setting,” ACI’s 10th Annual Paragraph IV Disputes Conference (April 25-27, 2016)
- “The Evolving Landscape of Biosimilars Litigation in the United States,” BIO IP Counsels Committee Conference (November 16, 2015)
- “Understanding Biosimilars Law to Be Slow, Gradual Process,” Patent, Trademark & Copyright Journal, Bloomberg BNA (November 16, 2015)
- “Biotech and Diagnostic Patents Risks: What You Need to Know,” The Knowledge Group (June 21, 2015)
- “Biosimilars Litigation: What’s Happening on the Dance Floor?,” NJIPLA Patent Litigation Seminar (March 18, 2015)
- “Biosimilars Strategy Update,” BIO IP Counsels Committee Conference (November 10, 2014)
- “Strategies for Hatch-Waxman Trials,” ACI Hatch-Waxman Master Class Conference (October 1, 2014)
- “Supreme Court Developments,” Organization for International Investment meeting of General Counsel (September 19, 2014)
- “Paragraph IV Disputes,” American Conference Institute (April 2014)
- “Bio War Games,” Bio IP Counsels Committee Conference, Biotechnology Industry Organization (November 6-8, 2013)
- “Maximizing Pharmaceutical Patent Lifecycles,” American Conference Institute (October 10, 2012)
- “Through the Eyes of One of Ordinary Skill in the Art,” 27th Annual Joint Patent Practice Seminar, Daiichi Sankyo Co. v. Matrix Laboratories Ltd. (Fed. Cir. 2010) (April 2011)

- “27th Annual Joint Patent Practice Seminar,” New York Intellectual Property Law Association (April 2011)
- “Managing the Risks Associated with Injunctions and At-Risk Launches During Litigation and Appeal,” American Conference Institute’s 2nd Annual Paragraph IV Disputes: Expert Insights on Hatch-Waxman Litigation Strategies for Brand Names and Generics (May 1, 2008)
- “Best Practices in Pharmaceutical Patent Litigation,” Polymorphism & Crystallization Forum 2004: Science, Technology & Intellectual Property (April 26, 2004)
- “Mentoring Programs - There is One That Will Work For You!” The 2004 Women’s Leadership Conference (March 18, 2004)
- “Walking the Tightrope: Work/Life Balance in the Profession,” Minority Corporate Counsel Association’s 4th Annual Creating Pathways to Diversity Conference (October 30, 2003)

Honors & Awards

- Named Hatch-Waxman Litigator of the Year - Branded by *LMG Life Sciences* (2020)
- Recognized in *Euromoney’s* “Best of the Best USA Expert Guide”
- Recognized by *Managing Intellectual Property’s* “Top 250 Women in IP” global list (2018-2020)
- Named to *Managing Intellectual Property’s* “IP Stars” list (2018-2020)
- Recognized by *The Legal 500 US* (2016-2020)
- Named a “Life Science Star” for Hatch-Waxman Patent Litigation, Patent Strategy & Management, General Patent Litigation by *LMG Life Sciences* (2015-2020)
- Nominated as Best Hatch-Waxman Litigator of the Year by *LMG Life Sciences* (2016-2019)
- Nominated as General Patent Litigator of the Year by *LMG Life Sciences* (2015)
- Shortlisted, Best Woman in Patent Law, *Euromoney* (2014)
- Recognized in *Euromoney’s* “Women in Business Law Expert Guides” (2013)
- Recognized as a leading attorney in *IAM Patent 1000*
- Listed among “The World’s Leading Patent Litigators,” *IAM 250*
- Noted as a “key partner” in the New York office by *Chambers*