



DEIRDRE E. SANDERS

Principal
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Practice Areas

- Patents
- Trademarks
- Counseling
- Licensing
- IP Litigation
- Agreements
- Post-Grant Proceedings
- Trade Secrets
- Copyrights

Technologies

- Biologics and Immunotherapies
- Biotechnology and Life Sciences
- Bioinformatics
- Medical Devices
- Pharmaceuticals

Deirdre has 20 years of experience in strategic biotechnology patent prosecution counseling and in intellectual property litigation and enforcement. She is dedicated to guiding clients through the development, management, and protection of intellectual property rights to achieve their business goals.

Deirdre's patent practice is focused in the field of biotechnology with a particular emphasis in the areas of biologics including antibody-based therapeutics, pharmaceuticals, gene editing, medical devices, precision medicine, immuno-oncology and immunotherapy, bioinformatics, proteinbased sensors, and drug discovery and development. She assists clients with the preparation and prosecution of U.S. and foreign patent applications, as well as European Supplementary Protection

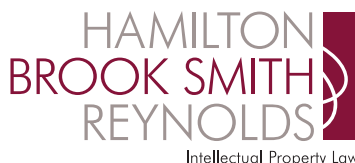
Certificates for pharmaceuticals; drafts legal opinions regarding infringement, validity, and freedom to operate; and conducts intellectual property due diligence studies.

Deirdre demonstrates expertise at the intersection of science, law, and business. In addition to her patent and litigation practice, Deirdre drafts and prosecutes trademark applications and drafts, interprets and enforces intellectual property license agreements. Patent prosecution is in her blood. In fact, her great grandfather, Graham Cravens, applied for a patent in 1904.

Clients benefit from Deirdre's experience involving contested matters, including patent office interferences, foreign patent oppositions, arbitration proceedings, and intellectual property litigation before federal courts in Texas, New York and California, as well as the District Court of the Hague related to issues of patent infringement and validity, trademark infringement and cancellation, intellectual property license agreements, and officer tort liability.

Deirdre received her *Juris Doctor* degree from Boston College Law School, where she worked for the ABA Committee on Rules of Practice and Procedure, United States Judicial Conference.

The success of her practice is fueled by the balance of her strategic biotechnology patent prosecution counseling and her general intellectual property litigation and enforcement experience. She guides clients through the development, management, and protection of



Education

- State University of New York at Albany, B.A. in Biology and Anthropology, *magna cum laude*
- State University of New York at Albany, M.A. in Anthropology
- Boston College Law School, J.D.

Professional Associations

- Boston Patent Law Association (BPLA), President
- The Venture Forum, Past Chair
- New England Business Association, New England Innovation Awards Captain
- Worcester Polytechnic Institute Venture Forum, Past Chair

Admissions

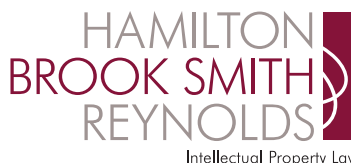
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court, District of Massachusetts
- U.S. Patent and Trademark Office
- Massachusetts

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intellectual property rights. Deirdre has received distinction in Best Lawyers® 2016, 2018, 2019, and 2020 for Boston Patent Law. Deirdre is currently a member of the Board of Governors and the President Elect of the Boston Patent Law Association. She is also Past Chair for the Venture Forum and a member of the New England Business Association.

Representative Experience

- Represented a generic pharmaceutical company in a patent infringement matter involving a multi-billion dollar drug. Our client had valuable “first filer” status and, thus, rights to limited market exclusivity. We persuaded the brand pharmaceutical company that our client did not infringe its patents. No suit was ever filed and our client was able to go to market with very valuable 180-day exclusivity rights.
- Represented several different branded pharmaceutical companies in litigation “war games” that allowed our clients to foresee possible strategies and tactics that a generic might use to avoid patent portfolios on very valuable brand pharmaceutical products. As a result of each of the war games, our clients were able to develop appropriate strategies under the Hatch-Waxman amendments to the Federal Food Drug Cosmetics Act and tighten their patent estates to thwart likely generic strategies even before litigation was commenced.
- Represented a major medical diagnostic service provider in connection with a patent application involving a nucleic acid. We developed a strategy that resulted in the issuance of patents on noninterfering subject matter, without the expense of an interference.
- Represented numerous financial institutions and venture capital firms on providing assessment of litigations and likely results. This information was used by our clients to develop strategies for equity and debt trading, or as part of an overall due diligence assessment of “litigation health” of target companies.
- Represented major digital marketing company in trademark dispute, sending cease-and-desist letter resulting in infringer ceasing all infringing activity without the expense of a lawsuit.
- Represented major digital marketing client in copyright dispute relating to a marketing information document. We prepared and sent a cease-and-desist letter resulting in infringer ceasing all infringing activity without the expense of a lawsuit.
- Represented an international research and development company in litigation in the U.S. District Court for the Eastern District of New York, as well as a related arbitration, against a licensee of the client’s patents that involved video recorder technology. After a three-week trial, our client received a judgment that exonerated it of all alleged improprieties and vindicated its early termination of the license.
- Represented a leading developer of sports and entertainment ticketing technology in a patent infringement action against a larger industry competitor in the U.S. District Court for the District of Delaware. The technology involved an electronic ticketing system.



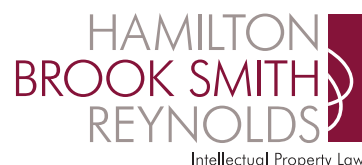
Intellectual Property Law

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Representative Experience (continued)

- Represented a plaintiff in successive patent jury trials in the Northern District of California involving components for printed circuit boards. The first trial resulted in a finding of validity and infringement in the liability phase and subsequent contempt citations against the defendant for new designs. The case settled prior to the damage phase with the defendant agreeing not to market any infringing product. The second trial resulted in the jury finding willful infringement of a redesigned product, with increased damages and attorneys' fees awarded by the Court.
- Represented a leader in the entertainment promotion industry and patent owner in various actions against an industry competitor involving a patented promotional method and device in the U.S. District Courts for the Southern District of New York and District of Delaware.
- Defended several different pharmaceutical companies in several different patent infringement actions in the U.S. District Court for the District of New Jersey and elsewhere, involving pharmaceutical formulations. We were able to negotiate favorable settlements for our client that were each reviewed without objection by Federal Trade Commission.
- Represented a Fortune 500 company in enforcement litigation of a group of its biotech patents. The case achieved a settlement payment of more than 60% of the infringer's gross revenue on its infringing sales, a permanent injunction, and the sending of a joint letter to the infringer's customers urging them to make their future purchases from our client.
- Defended a patent infringement action involving oil refinery technology in the U.S. District Court for the Southern District of Texas. After summary judgment of patent invalidity was affirmed on appeal, the patent owner paid our client a high six-figure amount toward its litigation defense costs. We also identified insurance policies which led to our client's receiving a further mid-six figure amount toward its litigation defense costs.
- Represented a major research-based pharmaceutical company as the senior party in a patent interference involving a human cytokine. After the parties filed initial papers and a list of preliminary motions, we achieved a settlement that included a process for determining priority of invention. Upon determining priority, the opposing party requested judgment adverse to it.
- Represented a major medical diagnostic service provider in connection with a patent application involving a nucleic acid. During prosecution, the applicant was directed by the Examiner to copy claims from a patent owned by another company. We developed a strategy that resulted in the issuance of patents on non-interfering subject matter, without the expense of an interference.
- Represented a biotechnology company as the senior party in a patent interference involving a method of treating a disease with an antibody. The opposing party conceded priority of the subject matter of the interference, and requested judgment adverse to it, after two of its non-interfering claims were removed from the interference.



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Representative Experience (continued)

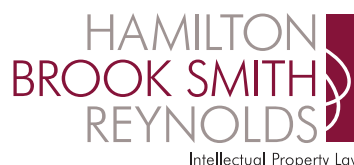
- Represented a world-renowned cancer research and treatment hospital as the junior party in related patent interferences involving DNA, protein and method claims. Even though we represented the junior party, the opposing party conceded priority as to the most significant claims, resulting in the entry of judgment adverse to the opposing party on those claims.
- Represented a biotechnology company in an interference involving cross-lipid protein compositions. After the interference was declared, we reached a favorable settlement for our client.
- Represented a registrant in a cancellation proceeding for a service mark for vacation rentals in Italy to the general public and business entities. We were successful in securing termination and dismissal of the cancellation proceeding.
- Represented plaintiffs in the digital marketing industry in trademark action in district court, resulting in very favorable settlement agreement enjoining defendants from use of mark.

Articles

- Ask This Key Question About Your Intellectual Property Portfolio: Am I Keeping Adequate Records?, *The Venture Forum Advantage*, September 2013
- Investors' Forums Gaining in Popularity, *Mass High Tech*, August 3, 2012
- Lesson Learned: Contrasting the Canadian and European Patent Experiences with Key AIA Provisions, *Boston Patent Law Association Newsletter*, Spring 2012
- Significant Changes in European and Chinese Patent Law: What You Need to Know, *Boston Patent Law Association Newsletter*, November 2009

IP News Alerts

- Federal Circuit Decides that State Law is Preempted by Biosimilar Act in *Amgen v. Sandoz*, *Hamilton Brook Smith Reynolds Alert*, December 19, 2017
- PTO Issues New Guidance Memorandum for Determining Patent-Eligible Subject Matter, *Hamilton Brook Smith Reynolds Alert*, March 17, 2014
- No Difference, No Deference: Federal Circuit in Lighting Ballast Maintains *De Novo* Review for Claim Construction, *Hamilton Brook Smith Reynolds Alert*, March 10, 2014
- Failure to Challenge Examiner's Characterization Can Bind You to a Limited Claim Scope, *Hamilton Brook Smith Reynolds Alert*, May 20, 2013
- Federal Circuit to Reconsider 15-Year Claim Construction Position: Patent Holders and Their Counsel on Watch, *Hamilton Brook Smith Reynolds Alert*, April 8, 2013
- Federal Circuit in PerkinElmer Finds Diagnostic Method Claims Patent-Ineligible, *Hamilton Brook Smith Reynolds Alert*, December 14, 2012



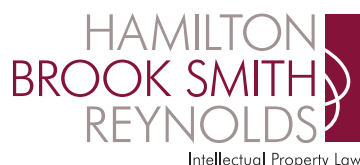
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IP News Alerts (continued)

- New Challenges and New Opportunities in Enforcing Method of Treatment Claims, *Hamilton Brook Smith Reynolds Alert*, July 2011
- How the New Multi-Party Patent Infringement Rulings Will Affect Pharmaceutical Treatment Claims, *Hamilton Brook Smith Reynolds Alert*, July 25, 2011
- New Patent Suit Explosion: False Patent Marking Claims, *Hamilton Brook Smith Reynolds Alert*, March 2010
- Patent Suits – Massachusetts In, Texas Out, *Hamilton Brook Smith Reynolds Alert*, January 2009
- Supreme Court Removes Barriers To Attack On Licensed Patent, *MedImmune, Inc. v. Genentech, Inc.*, *Hamilton Brook Smith Reynolds Alert*, January 2007

Speaking Engagements

- “Pitfalls of U.S. Patent Filings and Litigation,” June 28, 2019
- Boston Patent Law Association Annual Judges Dinner in Honor of the Federal Judiciary, Master of Ceremony, Boston, MA, June 5, 2019
- “WIPR Influential Women in IP,” Keynote Speaker at WIPR Launch Party, Boston, MA, April 24, 2019
- “Navigate Your Way to a Successful Commercialization of your Invention,” MassBio, Cambridge, MA, September 27, 2018
- “Successful Commercialization of your Innovation,” UConn Technology Incubation Program, Farmington, CT, August 8, 2018
- “World IP Day Boston – “Powering Change: Women in Innovation and Creativity,” BPLA event at Boston College Law School, April 26, 2018
- “Strategies for Patenting Antibodies in Light of the Current Legal Climate,” BIT 10th International Congress of Antibodies, Miami, FL, March 26, 2018
- Six presentations given during a week in the Guangdong District of China in November 2017, including presenting at a “Summit Forum for Patent Practice in China, EU & US,” where U.S. presentations included “Strategic Use of U.S. Patent System Flexibility for Quality Patents” and “Strategic Practices for U.S. Patent Litigation”
- “Gaining A Competitive Advantage Through Patents and Trademarks: Growing IP Assets from Your Existing Business Activities” Hamilton Brook Smith Reynolds Lecture, Devens, MA September 14, 2017
- “An Affordable and Critical Patent Strategy for Start-Ups” MIT Enterprise Forum, Cambridge Innovation Center, May 17, 2017
- “Presentation to China State Intellectual Property Office on Topics of U.S. Patent Law,” State Intellectual Property Office of the People’s Republic of China, October 10, 2016



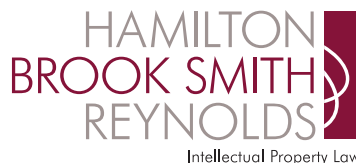
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Speaking Engagements (continued)

- “Leveraging Patent Audits for Strategic Negotiations,” Hamilton Brook Smith Reynolds Webcast, July 13, 2016
- “Strategies for Protecting Your Company through Patents and Trademarks,” Hamilton Brook Smith Reynolds Lecture, Waltham, MA, September 29, 2015
- “Strategies for Maximizing Value of Intellectual Property,” Hamilton Brook Smith Reynolds Lecture, Lexington, MA, June 9, 2015
- “Getting Your First Investment,” The Venture Forum, Worcester, MA, June 10, 2014
- “Chinese Patent Law and Practice,” Hamilton Brook Smith Reynolds Webcast, May 22, 2014
- “Monoclonal Antibodies: Successful and Practical Strategies for Developing and Commercializing Antibody Therapies,” BIT 6th Annual International Congress of Antibodies 2014, Dalian, China, April 26, 2014
- U.S. Patent Law and Practice and the America Invents Act, State Intellectual Property Office of the People’s Republic of China, April 22, 2014
- “Monoclonal Antibodies: Successful and Practical Strategies for Developing and Commercializing Antibody Therapies,” American Conference Institute’s 4th Advanced Forum on Biosimilars, New York, NY, June 5, 2013
- “Diagnostic Inventions - What is patentable after Prometheus?”, Massachusetts Association of Technology Transfer Offices Seminar, Cambridge, MA, April 17, 2013
- “The Master Class on Successful and Practical Strategies for Patenting Antibody-Related Inventions,” American Conference Institute’s 14th Advanced Forum on Biotech Patents, Boston, MA, November 30, 2012
- “Monetizing Your Business Assets Through Patents, Trademarks and Copyrights”, Hamilton Brook Smith Reynolds Webcast, November 15, 2012
- “Monetizing Your Business Assets Through Patents, Trademarks and Copyrights”, SBANE Lecture, Waltham, MA, October 3, 2012

Industry Acknowledgements

- Distinguished in Best Lawyers® 2020 for Boston Patent Law
- Distinguished in Best Lawyers® 2019 for Boston Patent Law
- Distinguished in Best Lawyers® 2018 for Boston Patent Law
- Honored by Best Lawyers® “Women in Law” 2017 Spring Edition
- Distinguished in Best Lawyers® 2016 for Boston Patent Law
- Selected as Top Rated Intellectual Property Lawyer in Concord, MA by *SuperLawyers* in 2004-2005



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