



Sona De

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Practice

Sona De is an experienced patent litigator with numerous victories in claim construction, at summary judgment, at trial, and on appeal before the Federal Circuit. She was recently featured as *American Lawyer's* "Litigator of the Week" for her success in the landmark *Therasense* case that created a new legal standard for the inequitable conduct doctrine. Her work spans a wide range of technology sectors, with a focus on Hatch-Waxman litigation and medical devices, and further includes cases involving chemicals, computer chips, telephonic systems, and consumer products. Sona has handled numerous multi-party litigations, has argued before the Multi-District Litigation Panel, and has defended witnesses overseas under the Hague Convention. Her prior work experience in the pharmaceutical industry enables Sona to advise clients on various patent issues with an understanding of how companies operate and an eye towards their business needs. Clients have included Becton Dickinson, Purdue Pharma, AstraZeneca, Pfizer, Nova Biomedical, Schering-Plough, Sanyo, and Oral B.

Representative Clients and Matters

- *Therasense, Inc. (Abbott Laboratories) v. Becton, Dickinson & Co. and Nova Biomedical Corp.* (N.D. Cal.): Part of litigation team representing defendants in successful six-year patent suit against four different patents involving diabetes blood glucose monitors. Won summary judgments of non-infringement and/or invalidity on first two patents and summary judgment of no literal infringement on third patent. Won bench trial finding third patent invalid and unenforceable, and secured attorneys fees. Won jury trial finding fourth patent invalid and not literally infringed. Won remand following *en banc* rehearing on inequitable conduct of third patent. Appeal of remand order pending. All other issues affirmed on appeal.
- *Purdue Pharma Products L.P. et al. v. Par Pharmaceutical, Inc. et al.* (D. Del.): Part of litigation team representing plaintiffs in ANDA suit against generic drug manufacturer involving a 24-hour oral analgesic. Won on infringement and enforceability following bench trial. Affirmed on appeal.

Education

- JD, 1997, University of Southern California, Gould School of Law, Senior Notes Editor, *Interdisciplinary Law Journal*
- BS (Biochemistry), 1992, University of California, Los Angeles

Bar Admissions

- New York
- California

Courts

- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- Federal Circuit Court of Appeals
- Supreme Court of the United States

- *Multidistrict Litigation No. 2126: In re Tramadol Hydrochloride Extended-Release Tablets Patent Litigation* (J.P.M.L.): Successfully argued for plaintiffs before the Multidistrict Litigation Panel to consolidate patent cases involving 24-hour oral analgesic.
- *Roche Diagnostics Operations, Inc. et al. v. Abbott Diabetes Care, Inc. et al.* (D. Del.; Fed. Cir.): Part of litigation team representing defendant Nova Biomedical Corp. in patent suit involving diabetes blood glucose monitors. Won summary judgment dismissing all patent issues based on successful claim construction. Remand pending.
- *King Pharmaceuticals, Inc. et al. v. Teva Parenteral Medicines, Inc. et al.* (D. Del.): Part of litigation team representing plaintiffs in ANDA litigation involving automatic injector for epinephrine. Settled following bench trial.
- *Sanyo Electric Co., Ltd. v. MediaTek, Inc. et al.* (C.D. Cal.): Part of litigation team representing plaintiffs in patent suit involving chips for CD and DVD drives. Won summary judgment dismissing counterclaim patent based on successful claim construction. Settled.
- *Purdue Pharma L.P. v. Endo Pharmaceuticals Inc. et al.* (S.D.N.Y.): Part of litigation team representing plaintiffs in a successful nine-year patent litigation against multiple generic drug manufacturers involving an oral analgesic. Focused on antitrust issues. Defended foreign witnesses on patent liability issues under the Hague Convention.
- *AstraZeneca Pharmaceuticals v. Mayne Pharma (USA) Inc.* (S.D.N.Y.): Part of litigation team representing plaintiff against generic drug manufacturer in successful ANDA litigation involving an anesthetic. Won bench trial finding patents infringed, enforceable, and valid. Affirmed on appeal.
- *Catheter Flushing LLC v. AngioDynamics et al.* (D. Utah): Represented defendant Becton, Dickinson in multi-party patent litigation involving catheters. Settled.
- *Purdue Pharma Products L.P. et al. v. Impax Laboratories, Inc. and related cases* (D. Del.): Part of litigation team representing plaintiffs in ANDA suit against multiple generic drug manufacturers involving a 24-hour oral analgesic. Cases closed.
- *Purdue Pharma L.P. et al. v. Watson Laboratories, Inc. et al. and related cases* (S.D.N.Y.): Part of litigation team currently representing plaintiffs in ANDA suit against multiple generic drug manufacturers involving oral analgesic. Cases pending.

Full case list available upon request.

Memberships & Affiliations

- New York Intellectual Property Law Association, Women in IP Law (co-chair)

Published Work

- "The Inequitable Conduct Defense: Before and After *Therasense*," *Intellectual Property & Technology Law Journal* (September 2012)
- "The Impact of *Therasense* on the Inequitable Conduct Defense," *Chambers USA: America's Leading Lawyers for Business* (2012)
- "A Strategic Guide to Markman," *BNA's Patent, Trademark & Copyright Journal* (2010)
- "*Ruiz v. A.B. Chance*: Raising the Bar for Defendants and District Courts in Obviousness Cases," co-author, NYIPLA Joint Patent Seminar (2001)

Presentations & Speeches

- "Big Cases, Big Deals," panelist (Training Series, 2012)
- "An Outside Counsel Perspective: Maximizing Opportunities To Succeed With Colleagues and Clients," panelist (N.Y.I.P.L.A., 2012)
- "An In-House Perspective on IP Practice: Coordinating with Business Units and Legal Teams to Maximize Opportunities and Overcome Challenges," panel moderator (N.Y.I.P.L.A., 2011)
- "*Therasense*: The Decision, the Dissents, and the Future of Inequitable Conduct," (presenter, IP Professional Development Series, 2011); (co-presenter, Webinar, 2011); (co-presenter, Tokyo Morning Briefing, 2011); (co-presenter IP Master Class, 2011)
- "Inequitable Conduct after *Therasense* and *Exergen*," co-presenter (ACI Medical Device Patent Litigation Conference, 2011)
- "Appealing a Patent Case Before the Federal Circuit," co-instructor (IP Litigation University Training Series, 2011)
- "Therasense: A Test Case," guest lecturer (George Washington University Law School, 2010)
- "Patent Litigation 2010," panelist (Practising Law Institute, 2010)
- "Preparation of Demonstrative Exhibits," instructor (IP Litigation University Training Series, 2010)
- "Success Strategies for New Partners," panelist (Practising Law Institute, 2009)
- "Preparation of Witness Binders for Trial," co-instructor (Training Series, 2008)
- "Deposition Workshop," instructor (Training Series, 2007)