



Susan Krumplitsch

Partner

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Susan Krumplitsch represents life science companies in intellectual property disputes, with an emphasis on Hatch-Waxman, BPCIA and trade secret litigation. Her clients include innovative biotechnology, pharmaceutical and medical device companies and she regularly appears in federal courts across the country and in post-grant review proceedings at the US Patent and Trademark Office.

Her practice involves a wide variety of technologies, including therapeutic monoclonal antibodies, pharmaceutical formulations, small molecule drug compounds, next-generation DNA sequencing, mammalian cell lines, biofuels, fungicides and magnetic resonance angiography. Susan's trial experience includes bench and jury trials in federal courts, oral arguments at the Patent Trial and Appeal Board (PTAB), hearings before the International Trade Commission and domestic arbitrations.

She also has significant pro bono experience representing asylum applicants and drafting amicus briefs for various US Circuit Courts of Appeal and the Supreme Court of the United States.

RELATED SERVICES

- Patent Litigation
- Intellectual Property and Technology

RELATED SECTORS

- Life Sciences

EXPERIENCE

- A branded pharmaceutical company against five ANDA filers in the Districts of New Jersey and Delaware regarding a fixed-combination drug product used for pain relief. Also represented the company in multiple inter partes review challenges before the PTAB
- A biopharmaceutical company in BPCIA litigation over a biosimilar monoclonal antibody used to treat HER2-positive breast cancer
- A branded pharmaceutical company in Hatch-Waxman litigation in the District of Delaware involving a dermatological product indicated for the topical treatment of plaque psoriasis
- A pharmaceutical company in a trade secret misappropriation case against multiple overseas defendants regarding the company's proprietary aryl hydrocarbon receptor agonist
- A university in the Eastern District of Pennsylvania and Federal Circuit in an enforcement action filed against a pharmaceutical company regarding the company's commercialization of monoclonal antibody used to treat EGFR-expressing metastatic colorectal cancer and advanced squamous cell carcinoma of the head and neck. Also represented the university in

an inter partes review challenge at the PTAB

- A biotechnology company in defending patents covering next-generation, high throughput DNA sequencing in multiple inter partes review challenges at the PTAB
- A biopharmaceutical company in an arbitration, affirming companies' exclusive rights to a small molecule used to treat chronic hepatitis C
- A branded Japanese pharmaceutical company in Hatch-Waxman litigation against multiple generic challengers regarding a treatment for hyponatremia
- A biopharmaceutical company in a pre-BPCIA challenge by a generic company seeking to market an infringing peptide used to stimulate the growth of white blood cells
- A biopharmaceutical company against a branded challenger in pre-BPCIA litigation filed in the District of Massachusetts regarding a peptide used to treat anemia

CREDENTIALS

Admissions

- California

Prior Experience

- Before attending law school, Susan was a research associate at Brigham and Women's Hospital in Boston, Massachusetts.

Recognitions

- Super Lawyers Rising Star: Intellectual Property (2013-2015)

Education

- J.D., Northeastern University School of Law
- M.S., Harvard University School of Public Health
- B.A., University of California, Los Angeles

Courts

- Supreme Court of the United States
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Central District of California
- United States District Court for the Northern District of California

Memberships

- Chief
- American Bar Association
- Women in Bio
- California Bar Association

- CHiPs

INSIGHTS

Publications

Can an AI system be named the inventor? In wake of EDVA decision, questions remain

23 September 2021

AI Outlook

Artificial intelligence is notable among the new technologies posing fundamental questions about the viability of the inventor's oath.

Editor's column

September 2021

Welcome to the 51st issue of *IPT News*.

Editor's column

June 2021

We are thrilled to bring you the 50th issue of *IPT News*. What a milestone!

***United States v. Arthrex*: Where does the Supreme Court's decision leave the PTAB?**

23 June 2021

If the APJs' appointment is unconstitutional, what is the appropriate remedy?

Patent eligibility in bioinformatics: Federal Circuit affirms rejection of computerized haplotype phasing claims

31 March 2021

Yet another hurdle for inventors in the growing field of bioinformatics and computational biology.

Editor's column

30 March 2021

***Valeant v. Mylan*: What venues are left for Hatch-Waxman cases?**

10 November 2020

The decision substantially limits the number of venues where Hatch-Waxman cases may be brought.

***Edwards Lifesciences v. Meril Life Sciences*: Another ripple in the Safe Harbor?**

26 October 2020

Navigating the contours of the Safe Harbor provision in view of recent Federal Circuit decisions will be a complicated, uncertain process.

Hatch-Waxman Litigation 101: The Orange Book and the Paragraph IV Notice Letter

30 June 2020

A few of the key issues that must be addressed before a Hatch-Waxman suit is filed.

Is subject matter jurisdiction under the Hatch-Waxman Act expanding?

6 May 2020

Can non-Orange Book patents be asserted?

The CARES Act and USPTO patent practitioner deadlines

6 April 2020

While the USPTO remains open for filing of documents and fees, Director Iancu announced that parties may be eligible for extensions of certain deadlines if their inability to meet a current deadline is due to the COVID-19 pandemic.

- Co-Author, "AI Inventorship Decision Leaves Open Questions," *Law360*, September 17, 2021

Events

Previous

IP strategies and litigation for life sciences companies

25 May 2021 | 12:00 - 1:00 ET

Webinar

While you were sheltering: Recent developments in the patent litigation landscape

24 June 2020 | 11:00 - 12:00 PDT

Webinar

- "The Doctrine of Equivalents: Analyzing the effects of recent federal circuit decisions on ANDA litigation strategies," 6 October 2020

NEWS

Ellen Scordino, Susan Krumplitsch and April Abele Isaacson join DLA Piper's Patent Litigation practice in

Northern California and Boston

4 February 2020

DLA Piper announced today that Ellen Scordino, Susan Krumplitsch and April Abele Isaacson have joined the firm's Patent Litigation practice and Life Sciences sector.

MEDIA MENTIONS:

- Contributing Columnist, "Unanswered Questions: Who owns the patent when an algorithm discovers a drug?," *San Francisco Business Times*, May 28, 2021