



Oren D. Langer

Partner

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Practice Areas

- Hatch-Waxman Litigation
- Intellectual Property and Technology Litigation
- Patent Litigation

Education

- Benjamin N. Cardozo School of Law, J.D., Intellectual Property Concentration (2003); Cardozo Journal of International and Comparative Law
- Rutgers College, B.A. in Chemistry with Biology Option, minor in Hebraic Studies (2000)

Languages

- Fluent in Hebrew

Professional Associations

- American Bar Association, Intellectual Property Law Section
- New York State Bar Association
- Intellectual Property Owners Association
- New York Intellectual Property Lawyers Association

Bar Admissions

- New York

Experience

The law applies to nearly every business decision, particularly when that decision concerns the protection, monetization, or enforcement of innovation in the form of intellectual property. As a litigator and counselor, Oren Langer helps clients avoid legal minefields, make decisions, and carry out those decisions in furtherance of his clients' business objectives. He has and continues to represent clients through every stage of litigation, from pre-suit investigations, case-initiation, and discovery--electronic, fact, and expert--to dispositive motion practice, mediation, and trial. Mr. Langer has represented plaintiffs and defendants in complex commercial litigation, and patent and trademark infringement litigations. His intellectual property litigation experience spans various industries including pharmaceuticals (under the Hatch-Waxman regulatory framework), chemicals, telecommunications, video gaming, retail services, and representing clients in Rate Court proceedings. Mr. Langer also advises his clients on transactional matters, including licensing negotiations and campaigns, and monetizing intellectual property in anticipation of prospective mergers or acquisitions.

Prior to his legal career, Mr. Langer earned a Bachelor's degree in Chemistry and interned and worked at Bristol-Myers Squibb and Pharmacopeia as an organic chemist. During law school, Mr. Langer interned at the United States District Court for the District of New Jersey for Judge Alfred J. Lechner, Jr. and Judge Dennis M. Cavanaugh. Mr. Langer has represented clients in a wide range of jurisdictions, including in the district courts of California, Delaware, New York, New Jersey, and Texas, where intellectual property cases are prevalent and for which local patent rules must be adhered to.

Mr. Langer is committed to pro bono representation of clients that need legal help but cannot afford or access it. Currently, Mr. Langer is representing a woman from the Kyrgyz Republic and her family in their quest for asylum in the United States on the basis of religious discrimination. Mr. Langer also continues to counsel various artists and take part in clinics in association with the organization Volunteer Lawyer for the Arts.

Selected Case Results*

- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York



Represented Torrent Pharmaceuticals in a Hatch-Waxman patent litigation concerning an anti-convulsant medication indicated for the treatment of partial-onset seizures in patients four years of age and older. *Bial - Portela & CA., S.A. et al v. Torrent Pharms. Ltd.*, 18-0279-VAC-MPT (D. Del.).

Represented Collegium Pharmaceutical, Inc. in a Hatch-Waxman patent litigation concerning an analgesic medication indicated for the management of severe pain. *Collegium Pharm., Inc. v. Teva Pharms. USA, Inc.*, 18-0300-LPS (D. Del.).

Represented device manufacturer Ypsomed AG as a third-party in a Hatch-Waxman patent litigation concerning a drug for treating diabetes. *Sanofi-Aventis U.S. LLC v. Merck, Sharp & Dohme Corp.*, 16-0812-RGA (D. Del.).

Represented Amneal Pharmaceuticals LLC in multiple Hatch-Waxman patent litigations concerning a drug for treating pain. *Endo Pharms. Inc. v. Amneal Pharms. LLC*, No. 15-2023 (Fed. Cir.); *Endo Pharms. Inc. v. Amneal Pharms. LLC*, No. 17-1094 (Fed. Cir.).

Represented Torrent Pharmaceuticals in a Hatch-Waxman patent litigation concerning a drug for treating COPD. *Takeda GmbH v. Torrent Pharms. Ltd.*, 3:15-cv-03375-FLW-DEA (consolidated) (D.N.J.).

Represented Collegium Pharmaceutical, Inc. in a Hatch-Waxman patent litigation concerning a Section 505(b)(2) application for a drug for treating pain. *Purdue Pharma, L.P. v. Collegium Pharm., Inc.*, No. 15-13099-FDS (D. Mass.).

Represented Amneal Pharmaceuticals LLC in a Hatch-Waxman patent litigation concerning a drug for treating secondary hyperparathyroidism in adult patients with chronic kidney disease on dialysis. *Amgen Inc. v. Amneal Pharmaceuticals LLC*, 16-0853-GMS (consolidated) (D. Del.).

Represented Vesture Group, Inc. and its retailer co-defendants, J. C. Penney Corp., Inc., Burlington Stores, Inc., and Sears, Roebuck and Co., in defense of trademark infringement claims concerning the mark "Pinky" used in girls' clothing. We are currently awaiting resolution of Defendants' motion to dismiss. *Pulse Creations, Inc. v. Vesture Group, Inc.*, 1:15-cv-02496-KPF (S.D.N.Y.)

Represented Amneal Pharmaceuticals LLC in a Hatch-Waxman patent litigation concerning a drug for the treatment of ADHD. *Alza Corp. v. Amneal Pharmaceuticals of New York, LLC*, 16-0914-RGA (D. Del.).

Represented Novel Laboratories, Inc., in a Hatch-Waxman patent litigation concerning a drug for treating middle-of-the-night-insomnia. *Purdue Pharma. Products L.P. v. Actavis Elizabeth LLC*, 2:12-cv-05311-JLL-JAD (D.N.J.). The Federal Circuit summarily affirmed the district court's decision.

Represented Novel Laboratories Inc., in a Hatch-Waxman patent litigation concerning pre-colonoscopy bowel prep drug. *Braintree Labs., Inc. v. Novel Labs., Inc.*, 749 F.3d 1349 (Fed. Cir. 2014).

Represented Digital River, Inc., an online e-commerce company, against class action complaint alleging a violation of the New Jersey Consumer Fraud Act and other state

law claims. *Augustine v. SWReg, Inc.*, 3:13-cv-2007-PGS-LHG (D.N.J.).

Represented Alcatel-Lucent USA Inc. against counterclaims asserting patent infringement concerning technology associated with router redundancy architecture and methods of employing the same. *Alcatel-Lucent USA Inc. v. Amazon.com, Inc.*, 6:09-cv-422-LED (E.D. Tex.).

Represented IDT Corp., a global telecommunications company in New York state appeal of contractual dispute concerning transfer of telecommunications capacity in a subsea fiber-optic network. *IDT Corp. v. Tyco Group S.A.R.L.*, Index No. 652097/10 (N.Y. App. Div., First Dep't).

Represented SPI Pharma, Inc., a food and drug excipient manufacturer, against claims of patent infringement concerning sugar polyol additive. Mr. Langer managed the effort during claim construction, fact and expert discovery, which resulted in a JMOL decision at trial, and ultimately a settlement for the parties. *Roquette Freres v. SPI Pharma, Inc.*, 06-540 GMS (D. Del.). (Prior to joining Robins Kaplan LLP)

Represented Daiichi Sankyo, a Japanese pharmaceutical company and its U.S. subsidiary, in Hatch-Waxman patent infringement action against generic company seeking to market generic equivalent of topical antibiotic eardrop medication. *Daiichi Sankyo Co., Ltd. v. Apotex Inc.*, 2:03-cv-00937-WGB-MCA (D.N.J.). (Prior to joining Robins Kaplan LLP)

Past results are reported to provide the reader with an indication of the type of litigation we practice. They do not and should not be construed to create an expectation of result in any other case, as all cases are dependent upon their own unique fact situation and applicable law.

Recognition**

- Recipient of "Hatch-Waxman Impact Cases of the Year" award, *LMG Life Sciences* (2016)
- Named a "Top Author" by *JD Supra* (2016)
- Named a "New York Metro Rising Star," *Super Lawyers* (2014-2018)

**Being named to the list or receiving the award is not intended and should not be viewed as comparative to other lawyers or to create an expectation about results that might be achieved in a future matter.

Resources

Articles

- An Intellectual Property "Check Up": Speeding Up Due Diligence
Client Briefing, The Jordan, Edmiston Group, JEGI Capital
(November 2011) (Co-author)
- Studies Towards Understanding the Mechanism of the Unusual
Rearrangement of Certain 5-Propargyloxyindoles
Tetrahedron Letters, Volume 41, Issue 19 (2000) (Co-author)

Legal Updates

- GENERICally Speaking - Vol. 9, No. 1
(Spring 2019)
- GENERICally Speaking - Vol. 8, No. 4
(Winter 2019)
- GENERICally Speaking - Vol. 8, No. 3
(Fall 2018)
- GENERICally Speaking - Vol. 8, No. 2
(Summer 2018)

- GENERICally Speaking - Vol. 8, No. 1
(*Spring 2018*)
- GENERICally Speaking - Vol. 7, No. 4
(*Winter 2017*)
- GENERICally Speaking - Vol. 7, No. 3
(*Fall 2017*)
- GENERICally Speaking - Vol. 7, No. 2
(*Summer 2017*)
- GENERICally Speaking - Vol. 7, No. 1
(*Spring 2017*)
- GENERICally Speaking - Vol. 6, No. 4
(*Winter 2016*)
- GENERICally Speaking - Vol. 6, No. 3
(*Fall 2016*)
- GENERICally Speaking - Vol. 6, No. 2
(*Summer 2016*)
- GENERICally Speaking - Vol. 6, No. 1
(*Spring 2016*)
- GENERICally Speaking - Vol. 5, No. 4
(*Winter 2015*)
- GENERICally Speaking - Vol. 5, No. 3
(*Fall 2015*)
- GENERICally Speaking - Vol. 5, No. 1
(*Spring 2015*)
- GENERICally Speaking - Vol. 4, No. 4
(*Winter 2014*)
- GENERICally Speaking - Vol. 4, No. 2
(*Summer 2014*)
- GENERICally Speaking - Vol. 4, No. 1
(*Spring 2014*)
- GENERICally Speaking - Vol. 3, No. 4
(*Winter 2013*)
- GENERICally Speaking - Vol. 3, No. 3
(*Fall 2013*)
- GENERICally Speaking - Vol. 3, No. 2
(*Summer 2013*)
- GENERICally Speaking - Vol. 3, No. 1
(*Spring 2013*)
- GENERICally Speaking - Vol. 2, No. 4
(*Winter 2012*)
- GENERICally Speaking - Vol. 2, No. 3
(*Fall 2012*)
- GENERICally Speaking - Vol. 2, No. 2
(*Summer 2012*)
- GENERICally Speaking - Vol. 2, No. 1
(*Spring 2012*)

- GENERICally Speaking - Vol. 1, No. 1
(Winter 2011/2012)

News

- Robins Kaplan Attorneys Earn 2019 Readers' Choice Awards from JD Supra
- Robins Kaplan LLP Announces 2019 Partner and Principal Promotions
- Judge Rules Collegium Pharmaceutical Inc. Does Not Infringe Two OxyContin Patents
- Robins Kaplan LLP Earns Trial Win for Client Amneal Pharmaceuticals LLC in Hatch-Waxman Lawsuit Over Blockbuster Kidney Disease Drug
- New York Attorneys Recognized as 2018 “Super Lawyers” and “Rising Stars”
- New York Attorneys Recognized as 2017 “Super Lawyers” and “Rising Stars”
- New York Attorneys Recognized as 2016 “Super Lawyers” and “Rising Stars”
- Robins Kaplan LLP Announces New Partners and Principals for 2017
- Robins Kaplan Attorneys Earn 2016 Readers' Choice Awards from JD Supra
- Federal Circuit Upholds Ruling in Favor of Novel Laboratories, Inc. in Sleep Aid Patent Case
- New York Attorneys Recognized as 2015 “Super Lawyers” and “Rising Stars”

Speeches

- Examination of the Federal Trade Commission's Recommendations To Better Harmonize Patent and Antitrust Laws and Policy
Fordham Annual Conference on International Intellectual Property Law and Policy, New York, New York (April 15-16, 2004)

Webinars

- Anticipating When the FDA Will Treat Your Product as a Drug-Device Combination
Join Jake Holdreith, Robins Kaplan, Oren Langer, Robins Kaplan, and Ken Phelps, Camargo Pharmaceutical Services for an informative webinar.
(January 17, 2018, 11:00 A.M. CST)

In The News

- "Robins Kaplan Trial Win for Amneal Pharmaceuticals Over Generic Sensipar," *Legal Reader* (September 5, 2018)
- "Amgen Loses Sensipar Generics Infringement Litigation," *Intellectual Property Magazine* (August 10, 2018)
- "Amneal Secures Non-Infringement Ruling in Sensipar Dispute," *IPPro Patents* (July 31, 2018)
- "Purdue's 'Duplicative' Suit Over OxyContin Generic Gets Ax ," *Law360* (January 16, 2018)
- "Purdue Loses Bid to Fuse Jumble of OxyContin Patent Suits," *Law360* (December 13, 2017)
- "Teva Told to Pay Glaxo \$235.5 Million for Infringing Patent," *Bloomberg BNA* (June 21, 2017)

- "Vanda Succeeds in Getting Roxane Labs' Case Booted," *Bloomberg BNA Pharmaceutical Law & Industry Report* (December 28, 2016)
- "Amneal Tells Fed Circ. Endo Played With Numbers In Patent," *Law360* (June 14, 2016)
- "Fed. Circ. Upholds Invalidity of Purdue's Sleep Aid Patents ," *Law360* (January 8, 2016)
- "Purdue Insomnia Patents Wrongly Put To Bed, Fed. Circ. Told," *Law360* (January 4, 2016)
- "Purdue's Sleep Aid Patents Are Obvious, Judge Rules," *Law360* (March 30, 2015)
- "Novel Fights 'Patient' Claim Rehearing In Suprep Suit," *Law360* (July 7, 2014)
- "Fed. Circ. Flips Braintree Win In Generic Suprep Suit," *Law360* (April 22, 2014)