Heather Morehouse Ettinger, Ph.D.

Partner

New York
heather.ettinger@troutman.com
D 212.704.6136



Heather employs a strategic and focused approach to help innovative life science clients execute transactions and protect their IP assets. Clients trust Heather's counsel on tough patent strategic issues and rely on her deep scientific knowledge and background in biological and biomedical sciences.

OVERVIEW

Heather counsels life sciences clients on a variety of intellectual property matters. She excels at due diligence studies, loss of exclusivity analyses, and agreement drafting in connection with buy- and sell-side transactions and collaborations for her clients, which range from preclinical biotechnology companies to large clinical pharmaceutical companies. Heather regularly advises on Hatch-Waxman issues, biosimilars strategy, and litigation and post-grant proceedings, such as *inter partes* reviews. She also manages the worldwide prosecution of numerous life sciences patent portfolios.

Heather has extensive experience counseling clients in intellectual property matters in areas including gene editing, immunotherapies, regenerative medicine, rare diseases, pharmaceutical formulations, genetically modified plants and seeds, enzyme and other large-molecule technology, and small-molecule chemistry. She routinely works with the firm's corporate team to counsel international corporations in preparing their intellectual property portfolios for U.S. cross-border securities transactions.

Heather is a registered patent attorney with the U.S. Patent and Trademark Office. In addition to earning her J.D., Heather has a Ph.D. in biological and biomedical sciences and a bachelor's degree in biology.

REPRESENTATIVE MATTERS

Heather has served as lead IP counsel for the following:

- A specialty pharmaceutical company in its acquisition agreement involving an upfront payment of approximately $412 million for the rights to develop, manufacture, and commercialize a leading oncology asset.
- A pharmaceutical company in its license agreement involving an upfront payment of $7.5 million and potential milestone payments of up to $217.5 million for worldwide rights to develop, manufacture, and commercialize a PDE4D inhibitor.
- A global specialty pharmaceutical company in its acquisition of a treatment for severe frostbite from a clinical-stage biotechnology company.

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- A global specialty pharmaceutical company in the complex negotiation of exclusive U.S. rights of a novel, monoclonal antibody fragment for critical care conditions from a global drug development company.
- A major pharmaceutical company in the complex negotiation and sale of the rights to small molecules for the treatment of liver diseases for $120 million.
- The U.S. tax inversion transaction with Pozen Inc. to create Aralez Pharmaceuticals Inc. (The Americas M&A Atlas Awards, Pharma & Devices Deal of the Year, 2016).
- A major pharmaceutical company in the sale of its oncology portfolio, which totaled $2.4 billion.
- A life sciences investment firm in its $70 million purchase of RNA company preferred stock.
- A major pharmaceutical company in its $32 billion acquisition of another pharmaceutical company. Handled review of freedom-to-operate and patent exclusivity for more than 20 commercial and pipeline products that focus on rare disease treatments.

Heather has conducted due diligence and transaction drafting for the following:

- A major pharmaceutical company in its acquisition of a privately held biotechnology company for $250 million in cash, $370 million in stock, plus up to $200 million in milestone payments.
- A global specialty pharmaceutical company in the acquisition of a medical device kit for decontaminating chemical warfare agents from a global biopharmaceutical company for an up-front payment of $75 million, with an additional $5 million milestone payment.
- A major pharmaceutical company in its acquisition of a license to develop and commercialize a preclinical autoimmune drug candidate.
- A major pharmaceutical company on its $6.5 billion acquisition of a biotechnology company focused on treatment for hereditary angioedema (HAE). Also counseled on royalty provisions, trademark coverage, ownership issues, and patent exclusivity.
- A major pharmaceutical company in its $5.2 billion acquisition of a pharmaceutical company that specializes in treatments for rare diseases.
- A major pharmaceutical company in its acquisition of an ophthalmology company.
- A major pharmaceutical company's acquisition of molecules for the treatment of degenerative eye diseases.
- A major consumer care company in its acquisition of a top-selling line of female health products.
- A drug company's partnership with a cancer biotech company.
- A drug company's partnership with a medical device company.
- A major pharmaceutical company's acquisition of a company focused on kidney fibrosis treatments.
- A major pharmaceutical company's acquisition of a company that owned late-stage compounds for rare hepatic conditions.
- A complex patent portfolio covering genetically engineered enzymes in the biofuels area.

Heather's critical IP strategy and litigation experience includes the following:

- Successfully defended a major pharmaceutical company in trade secret litigation involving ophthalmology clinical trials.
- Led strategic planning and litigation for pharmaceutical companies in abbreviated new drug application (ANDA) litigation.
- Manage and prosecute patent portfolios for small and large therapeutic molecules, medical devices, and genetically modified plants.
- Prepare noninfringement and invalidity opinions in the biotech, antibody therapies, and genetically modified plant technologies.

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AWARDS

- *International Asset Management:* “Strategy 300” (2021)
- *Super Lawyers*: “Rising Star” (2013-2014)

TOP AREAS OF FOCUS

- Academic + Research Institutions
- Health Care + Life Sciences
- Health Care + Life Sciences Intellectual Property
- Intellectual Property
- Life Sciences Transactions
- Patent Prosecution, Counseling + Portfolio Management

ALL AREAS OF FOCUS

- Academic + Research Institutions
- Health Care + Life Sciences
- Health Care + Life Sciences Intellectual Property
- Intellectual Property
- Life Sciences Transactions
- Litigation + Trial
- Patent Litigation
- Patent Prosecution, Counseling + Portfolio Management

EDUCATION AND CERTIFICATIONS

EDUCATION

- Fordham University School of Law, J.D., *cum laude*, 2006
- Harvard University, Ph.D., 2001
- Tufts University, B.S., *summa cum laude*, 1995

BAR ADMISSIONS

- New York
- New Jersey
- U.S. Patent and Trademark Office

COURT ADMISSIONS

- U.S. District Court, Southern District of New York

LANGUAGES

- Italian

SPEAKING ENGAGEMENTS

- Speaker, "Personalized Therapies, Customized Deals: Practical Strategies for Cell & Gene Therapy Licensing ," Troutman Pepper Locke, April 7, 2026.
- Speaker, "Patents on AI-Assisted Inventions and New USPTO Guidance: Patentability, Inventorship, Significant Contribution," BARBRI, January 21, 2026.
- Speaker, "Medical Devices: Regulatory and Intellectual Property Landscape in the U.S.," BIOAlberta, October 2017.
- Speaker, "Raising Capital in the United States," BLG Global Access to Capital Seminar Series, December 2016.
- Speaker, "Developing a Road Map for an Efficient Due Diligence Investigation: Preparing for Buy-side and Sell-side Transactions Worldwide and in the U.S.," IP Life Sciences Exchange, November 2016.
- Speaker, The Rockefeller University Biotechnology Forum: *Myriad,* July 2013.
- Speaker, "Patents, Products, and Portfolios: An Expert's In-Depth Review of Key Intellectual Property Issues in Biotech/Pharma," Teleconference hosted by Wells Fargo Securities Healthcare Research Team, December 2011.
- Speaker, "Anatomy of a Patent," Memorial Sloan-Kettering Cancer Center, May 2011.
- Instructor, Practicing Law Institute, "Fundamentals of Patent Prosecution: A Boot Camp for Claim Drafting & Amendment Writing," 2008 and 2009.
- Speaker, Harvard University's Beyond-the-Bench panel, October 2008.
- Speaker, Harvard Medical School, Science in the News seminar series, November 2000.

PUBLICATIONS

- Contributor, "Rewriting the Life Sciences Collaboration Playbook: How Cell and Gene Therapies Are Reshaping Deal Terms, Regulatory Strategy, and IP," *Troutman Pepper Locke*, October 23, 2026.
- Co-author, "Failed Arguments, Lasting Consequences: Prosecution Disclaimer in *Puradigm v. DBG*," *Troutman Pepper Locke*, April 10, 2026. Republished in the July-August 2026 *Intellectual Property & Technology Law Journal.*
- Co-author, "Prosecution History Disclaimer Decision Highlights Risk of Not Contesting Restriction Requirement ," *Troutman Pepper Locke*, October 27, 2025.
- Co-author, "Federal Circuit Ruling Broadens Reach of Prosecution History Estoppel to Include Canceled Claims ," *Troutman Pepper Locke*, July 25, 2025. Republished in *AIPLA Chemical Practice Chronicles*, Fall 2025.
- Co-author, "USPTO's Guidance on Inventorship of AI-Assisted Inventions Remains True to Fundamental Principles, But May Not Be the Right Test," *Troutman Pepper*, February 28, 2024.
- Co-author, "After JPM, What Are the Legal Dealmaking Trends to Watch?," *MedCity News*, January 25, 2023.
- Co-author, "District Court Broadens Scope of Patent Ineligibility Under § 101 for a Treatment Method," *IP Watchdog*, Jan. 18, 2016.

MEDIA COMMENTARY

- Quoted, "AI Invention Guidance Adds New Patent Wrinkles, Attys Say," *Law360*, April 23, 2024.
- Interviewed, "In conversation With Heather Morehouse Ettinger," *BioTuesdays*, July 14, 2015.