Melissa O'Donnell

Partner

Philadelphia

melissa.odonnell@troutman.com

D 215.981.4110



Melissa helps clients in the pharmaceutical and biopharma sectors resolve complex litigation and tackle their toughest antitrust issues. Her clients value her sharp strategies and business acumen.

OVERVIEW

Melissa has significant experience representing biopharmaceutical clients and other players in the pharmaceutical supply and payment chain. She handles class action and large multidistrict litigations, including antitrust and economic loss cases.

Melissa served as in-house counsel at a multinational, publicly traded health solutions company, where she handled enterprise-risk litigation and represented the company as a third party in antitrust investigations and litigation. Melissa's time in-house helps her provide actionable, business-minded advice to her clients and strengthened her experience in the payor and PBM sectors of the health care system.

REPRESENTATIVE MATTERS

- *In re Lamictal Direct Purchaser Antitrust Litigation* (D. N.J.). Represents a research-based pharmaceutical manufacturer in a putative antitrust class action alleging an unlawful "reverse payment" settlement of patent litigation. Obtained dismissal of a majority of indirect purchaser class claims, resulting in a favorable early settlement, and defeated certification of the direct purchaser class. Multiple individual cases filed by direct purchasers after class certification was denied, are proceeding via joinder. Summary judgment is expected in 2026.
- *UFCW Local 1500 Welfare Fund et al. v. Takeda Pharmaceuticals U.S.A., Inc. et al.* (S.D.N.Y.). Represents a generic pharmaceutical manufacturer in a putative class action alleging an unlawful reverse payment settlement of patent litigation related to colchicine.
- *In re Xyrem (Sodium Oxybate) Antitrust Litigation* (N.D. Cal.). Represented a generic pharmaceutical manufacturer in a putative class action alleging an unlawful reverse payment settlement of patent litigation related to sodium oxybate, and an overarching conspiracy to delay generic competition. Successfully settled the case after discovery on terms favorable to the client.
- *Value Drug Co. v. Teva Pharmaceutical Industries Ltd. et al.* (D. Mass.). Represented a generic pharmaceutical manufacturer in a putative class action alleging an unlawful reverse payment settlement of patent litigation related to QVAR. Obtained dismissal at the pleadings stage.
- *Louisiana Health Services & Indemnity Co. v. Celgene* (S.D.N.Y.). Represented a generic pharmaceutical

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manufacturer in a putative class action alleging an unlawful reverse payment settlement of patent litigation related to pomalidomide. Obtained dismissal at the pleadings stage.

- *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (E.D. Pa., MDL 2724). Defend generic pharmaceutical manufacturers in direct purchaser plaintiff, indirect reseller plaintiff, and end-payer plaintiff putative class actions in multidistrict litigation pending in federal court alleging violations of federal and state antitrust statutes and state consumer protection laws relating to an alleged conspiracy among manufacturers to fix prices for certain generic drugs.
- *In re Metformin Marketing and Sales Practices Litigation* (D.N.J.). Represents a pharmaceutical company in consolidated class action litigation seeking damages for alleged economic loss relating to NDMA (nitrosamine) contamination of generic metformin.
- *Boyer v. Breckenridge Pharmaceutical, Inc.* (D.N.J.). Represents a generic pharmaceutical manufacturer in putative class action litigation seeking recovery for claimed economic loss relating to alleged nitrosamine contamination in duloxetine. Obtained preliminary approval of an early settlement.
- *Opioid Litigation* (D. Ohio). Served as in-house counsel responsible for overseeing defensive and affirmative opioid litigation for a major PBM and third-party payor.
- *International Construction Products LLC v. Caterpillar Inc.* (D. Del.). Represented a dealer of heavy construction equipment in an antitrust suit alleging a group boycott.
- *Wallach v. Eaton Corp.* (D. Del.). Helped secure a complete dismissal of direct purchaser class action for Mack Trucks, Inc. and Volvo Trucks North America alleging a conspiracy to install a monopolist transmission supplier.
- Co-pay assistance litigation. Represented and advised a major pharmaceutical manufacturer in connection with national litigation alleging antitrust and RICO claims arising out of patient co-pay assistance programs.
- Represented Symphony Health Solutions Corp. in a suit involving allegations of unlawful abuse of monopoly power in the market for pharmaceutical data and analytics, misappropriation of trade secrets, and tortious interference.
- *Murnaghan v. HHS.* Represented 11- and 10-year-old children in suits to prevent the Organ Procurement and Transplantation Network from applying a policy that discriminated against children under 12 in the system established for allocating donated lungs.
- Represented prisoners alleging that defendants violated their constitutional rights by failing to treat their health conditions.

AWARDS

- *Benchmark Litigation*: “40 & Under List” in Pennsylvania (2024-2025)
- *Legal 500 United* States: Antitrust: Civil Litigation/Class Actions: Defense (2023, 2025-2026)

TOP AREAS OF FOCUS

- Antitrust
- Business Litigation
- Class Action
- Health Care + Life Sciences

ALL AREAS OF FOCUS

- Antitrust
- Business Litigation
- Class Action
- Health Care + Life Sciences

- Health Care Litigation
- Litigation + Trial
- White Collar Litigation + Investigations

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Pennsylvania Carey Law School, J.D., *magna cum laude*, 2011, senior editor, *University of Pennsylvania Law Review*: Recipient of the Philadelphia Trial Lawyers Association James J. Manderino Award, the Outstanding Clinical Student Award, and the Distinguished Pro Bono Service Award
- University of Pennsylvania Perelman School of Medicine, M.S., 2011, bioethics
- The Pennsylvania State University, B.A., 2006, English and comparative literature

BAR ADMISSIONS

- Pennsylvania
- New Jersey

COURT ADMISSIONS

- U.S. District Court, Eastern District of Pennsylvania

SPEAKING ENGAGEMENTS

- Speaker, Annual Antitrust CLE Event – 2025, Troutman Pepper Locke, December 4, 2025.
- Panelist, "Best Practices in Litigation and Discovery," Practising Law Institute (PLI): Class Action Litigation 2025 Conference, January 10, 2025.
- Speaker, "The "Dreaded" Intermediaries," Annual Antitrust CLE Event, December 5, 2024.
- Speaker, "The Ethical Antitrust Advisor," Troutman Pepper Annual Antitrust CLE Event, December 13, 2023.

PUBLICATIONS

- Co-author, "Second FTC and DOJ Listening Session Focuses on Formulary and Benefit Practices and Regulatory Abuse in the Pharmaceutical Industry," *Troutman Pepper Locke*, July 28, 2025.
- Co-author, "FTC Holds Its First Listening Session on Practices and Regulations Impacting Pharmaceutical Generic or Biosimilar Competition," *Troutman Pepper Locke*, July 1, 2025.
- Podcast, "Antitrust Considerations in Long-Term Care," *Assisted Living and the Law*, September 19, 2024.
- Co-author, "Antitrust Division Announces Task Force on Health Care Monopolies and Collusion," *Troutman Pepper*, May 10, 2024.
- Co-author, "The US Court of Appeals for the Third Circuit Affirms a District Court Ruling Which Held That the Rule of Reason is Appropriate for Reviewing Hybrid Horizontal and Vertical Price Fixing Allegations," *Concurrences*, September 18, 2023.
- Co-author, "Third Circuit Holds Rule of Reason Appropriate for Review of Hybrid Horizontal and Vertical Conspiracy," *Troutman Pepper*, September 12, 2023.
- "Right to Try Legislation: Worthwhile or Window Dressing?" April 1, 2018.
- Co-author, "No-Poach Agreements Targeted by Plaintiffs, Enforcement Agencies and Senators," April 4, 2018.

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- Co-author, “Senate Bill Promises Antitrust Immunity to Boards That Reform Licensure in Latest State Action Defense Development,” August 14, 2017.
- “Updated Sedona Principles Set Best Practices for E-Discovery,” May 5, 2017.
- “Third Circuit Focuses on Relevant Product Market and Lack of Anticompetitive Conduct In Doryx Product-Hopping Case,” October 5, 2016.
- Co-author, “FTC Report Tallies Hatch-Waxman Settlement in First Full Year After Actavis,” January 20, 2016.
- Co-author, “Texas Medical Board Loses Bid for State Action Immunity,” January 5, 2016.
- Co-author, “First Circuit Upholds Class Certification in Nexium Indirect Purchaser Case,” February 2, 2015.
- Co-author, “FTC Report Tallies Hatch-Waxman Settlements for FY2013,” *Pepper Hamilton LLP Commercial Litigation Alert*, January 7, 2015.
- Co-author, “State Action Doctrine at the Supreme Court: Take Two,” *Pepper Hamilton LLP Client Alert*, March 19, 2014.
- Co-author, “Federal Court Finds Actavis Applies Only to Settlements Involving Monetary Payments,” *Pepper Hamilton LLP Client Alert*, February 3, 2014.
- Co-author, “A Turducken Task: How Actavis Invites Relitigation of Patent Merits in Reverse Payment Cases,” *Westlaw Journal Pharmaceuticals*, December 4, 2013.
- Co-author, “In the Wake of Phoebe Putney, New York Passes Law Giving Antitrust Immunity to State Health Care System,” *Pepper Hamilton LLP Client Alert*, October 31, 2013.
- Co-author, “Supreme Court Limits State Action Immunity in *FTC v. Phoebe Putney Health System, Inc.*,” *Pepper Hamilton LLP Client Alert*, February 22, 2013.
- “State Exchanges Under the Affordable Care Act,” Temple University School of Law, Philadelphia, PA, March 12, 2012.
- Co-author, “Third Circuit Rejects a ‘Merits Litmus Test’ at the Class Certification Stage,” *Pepper Hamilton LLP Client Alert*, January 2012.
- Co-author, “FTC and DOJ Issue Final Accountable Care Organization Antitrust Policy Statement,” *Pepper Hamilton LLP Client Alert*, October 2011.