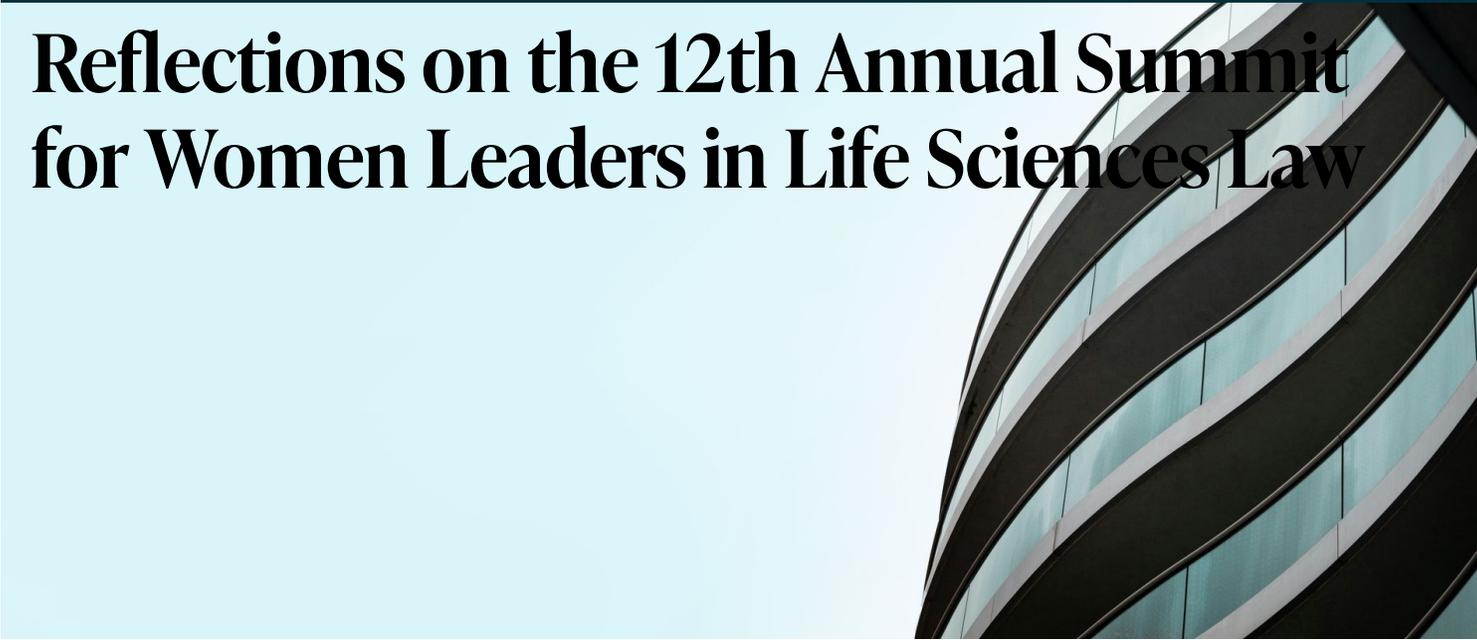


Reflections on the 12th Annual Summit for Women Leaders in Life Sciences Law

A photograph of a modern building's curved glass facade, showing multiple stories of windows reflecting the sky. The building is on the right side of the frame, curving away from the viewer.

3 MIN READ

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By: Denise L. Plunkett, Rebecca L. Clegg

We closed out July 2025 in Boston alongside several of our Axinn colleagues attending the American Conference Institute's 12th Annual Summit for Women Leaders in Life Sciences Law. This conference is a highlight for us every summer, offering an opportunity to reconnect with old friends, build new connections, and explore topics impacting the life sciences industry and the women who work in it. This year, we had the opportunity to participate on two panels addressing important developments since last year's conference.

On the first day of the conference, Rebecca spoke on a panel about Executive Orders 14151 and 14173, which collectively aim to disassemble DEI programs and initiatives in both the public and private sectors. The panel analyzed the provisions of each executive order and the associated EEOC guidance and provided an update on their implementation so far. Rebecca and her co-panelists also unpacked the numerous legal challenges to these DEI-related executive orders. Although the plaintiffs in these litigations have asserted similar claims under, *inter alia*, the First and Fifth Amendments, the courts have taken different stances on the parties' standing to challenge some provisions of the executive orders and on their likelihood of success in showing the unconstitutionality of other provisions. For example, both Judge Timothy Kelly (D.D.C.) and Judge Matthew Kennelly (N.D. Ill.) have found that non-profit plaintiffs lack standing to challenge the provision of Executive Order 14173 requiring the Attorney General to develop an enforcement plan that includes identifying up to nine targets for potential civil compliance investigations. On the merits of the remaining claims, however,

these judges have reached opposite conclusions. Judge Kelly denied plaintiffs' motion for a preliminary injunction, whereas Judge Kennelly enjoined the U.S. Department of Labor from freezing, terminating, or changing the terms of one of plaintiff's grants based on Executive Order 14151 and from requiring that any federal government grantee or contractor comply with the certification requirements of Executive Order 14173. Judge Adam Abelson (D. Md.), however, has issued a nationwide preliminary injunction enjoining the government from implementing all these provisions of Executive Orders 14151 and 14173. Accordingly, the preliminary injunctions that have been granted so far differ in scope, and many are currently on appeal.

Denise's panel kicked off the second day with an analysis of the top 10 cases impacting the life sciences industry from the past year. These important decisions ran the gamut from patents to product liability to antitrust. Denise reported on two recent jury trial wins for antitrust plaintiffs. In the first case, Regeneron sued Amgen in the District of Delaware, challenging the pharmaceutical manufacturer's not-uncommon practice of providing bundled rebates, which were alleged to have caused Pharmacy Benefit Managers (PBMs) to drop Regeneron's competing cholesterol drug from their formularies, allegedly foreclosing it from the market. The jury found in Regeneron's favor and awarded over \$400 million in damages, including \$135 million in compensatory damages and \$271 million in punitive damages. This outcome is a significant departure from previous decisions by the Third and Tenth Circuit Courts of Appeals that rejected similar monopolization claims at summary judgment. In the second case Denise discussed, Innovative Health challenged a medical device manufacturer's refusal to provide support for, and implementation of hardware blocks against, reprocessed equipment. The jury found this conduct to be anticompetitive and awarded Innovative Health \$147 million in damages, which was automatically trebled to \$422 million. Denise's co-panelists discussed equally notable life sciences decisions implementing Amended Federal Rule of Evidence 702, developing law on patent conception and prior art, preliminary injunctions under the Biologics Price Competition and Innovation Act (BPCIA), and cases challenging the Inflation Reduction Act and 340B drug pricing.

We are grateful for the chance to participate in meaningful discussions about important issues facing the life sciences industry. But this conference is about much more than just legal developments; it is about building relationships among the women leaders of this industry. To that end, the conference organizers put a fun twist on the traditional icebreaker by asking each attendee to select a friendship bracelet featuring a message that reflects their personal motto or a meaningful affirmation. We enjoyed asking new contacts about their choices over coffee and cocktails, exchanging insights with other attendees over lunch, and sharing a delicious dinner overlooking the Boston seaport with our old and new connections.

At the conclusion of the conference, we headed home energized and inspired by the women leaders we'd met and learned from. We are already looking forward to returning to Boston for the 2026 ACI Women Leaders in Life Sciences Law Conference. Hope to see you there!

If you'd like to learn more about the topics discussed during Rebecca's and Denise's panels, please email us.



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