

**Sarah A. Kagan, Ph.D.**

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When clients have new technologies they would like to protect, Sarah helps them brainstorm and anticipate future uses and applications of the technology in alternative fields. Recognizing how crucial these explorations are to obtaining appropriate protection for the technology as it is currently practiced and as it may develop over the course of the life of a patent, Sarah works to protect her clients' technologies so they will be successful in the marketplace. Capitalizing on her many years in practice, Sarah practices with an eye to the future, looking ahead to the full life cycle of a patent. Is a swift allowance of a patent application desirable? What will result in a swift allowance? Having been involved in a variety of adversarial proceedings, she constructs the foundational documents focused on future attacks, and how they can be avoided and/or rebutted. What will result in a strong patent?

Sarah loves learning about new discoveries. Based on her background in biotechnology research, she has focused on related technologies in her legal practice. These include areas of cancer genetics, virology, immunotherapeutics, immunodiagnosics, neurological disease treatments, recombinant organisms, tissue engineering, oncology treatments and assessments, hematology factors and diseases, multifunctional antibody constructs, therapeutic agent manufacturing methods, allergic diseases, nucleic acid analysis methodology, and ophthalmological treatments.

Sarah's leadership positions both within the law firm (board of directors) and in the community (committee chairs and president) help her take a holistic view of how any individual project fits into the goals of the entire organization. She leverages this experience in respectfully working toward achieving agreement with other parties.

Keeping up to date on developments in patent law is important to Sarah, who regularly shares her analysis of new cases, especially from the Federal Circuit. Sarah's articles and client alerts can be found in the [Library](#).

Education

B.A. 1976, Brandeis University
Ph.D. 1981, University of Wisconsin
J.D. 1988, George Washington University

Admissions

Bar Admissions
1988, Massachusetts
1989, District of Columbia

Court Admissions
U.S. Supreme Court
U.S. Court of Appeals for the Federal Circuit

Practices

Counseling, Opinions + Licensing
Patent Interferences

Industries

Life Sciences + Pharmaceuticals

News + Events + Related Publications

[NEWS - 01.06.20](#)

IP Alert | Court's First Impression: Product of Patented Process Practiced Abroad

[NEWS - 12.19.19](#)

IP Alert | Federal Circuit Finds Attorney's Fees Were Justified by Patent Assertion Entity's Litigation Misconduct

[NEWS - 12.18.19](#)

IP Alert | Athena and Mayo Spar Over Which Branch of Government Should Resolve Section 101 Quandary

[NEWS - 12.03.19](#)

IP Alert | Federal Circuit to License Drafters: Specifically Address Survival of Sublicense Rights

[NEWS - 11.27.19](#)

IP Alert | Federal Circuit to PTAB: Explain Your Rationale

[NEWS - 11.19.19](#)

IP Alert | Merck Challenges PTAB's Non-Obviousness Decision of Wyeth's Patent

[NEWS - 11.11.19](#)

IP Alert | Federal Circuit to PTAB: You Overstepped Your Mandate

[NEWS - 11.07.19](#)

IP Alert | Federal Circuit to Decide if Patentee is Bound by Earlier Statement to PTAB

[NEWS - 07.11.19](#)

IP Alert | Federal Circuit Punts to Supreme Court or Congress

[NEWS - 06.05.19](#)

IP Alert: PTAB Involved in Unlawful Takings?

[NEWS - 05.30.19](#)

IP Alert: When is Simply Having a Good Idea Insufficient?

[NEWS - 05.22.19](#)

IP Alert: Do Words Have a Magic Effect in Patent Law?

[NEWS - 05.21.19](#)

Banner Witcoff, 17 Attorneys Recognized in Managing Intellectual Property's "IP Stars" 2019 Guide

[NEWS - 02.22.19](#)

IP Alert: INO Therapeutics v. Praxair Distribution: Trying to make sense out of subject matter eligibility

[NEWS - 02.08.19](#)

Athena v. Mayo: Are pure diagnostic claims per se ineligible for patenting?

[NEWS - 01.30.19](#)

Sarah A. Kagan comments on Supreme Court arguments in Helsinn v. Teva in InsideHealthPolicy

[NEWS - 12.21.18](#)

IP Alert: Endo v. Teva: Courts Continue to Invalidate Patent Claims Without Construing Them

[NEWS - 12.05.18](#)

IP Alert: Helsinn v. Teva at the Supreme Court: Did the America Invents Act Change the On-Sale Bar?

[NEWS - 12.03.18](#)

IP Alert: Allergan v. Teva Pharmaceuticals USA: Will the Recognized Commercial Success of Restasis® Demonstrate Non-Obviousness?

[NEWS - 11.30.18](#)

Sarah A. Kagan discusses latest developments in CRISPR patent disputes in JurisDiction podcast

[EVENT - 11.20.18](#)

Sarah A. Kagan presents Strafford webinar, "Blocking Patents: Impact of Acorda Therapeutics on Obviousness Analysis"

[NEWS - 10.31.18](#)

IP Alert: Merck v. Gilead: Fruit of the Rotten Tree?

[NEWS - 10.19.18](#)

IP Alert: Recalibrating the Alice/Mayo Test

[EVENT - 10.16.18](#)

Sarah A. Kagan participates in panel discussion "Collaboration Between Offices From the Point of View of Applicants: Observations" at the Regional Seminar on the Patent Cooperation Treaty (PCT) for Countries in Latin America in Alexandria, Va.

[NEWS - 10.01.18](#)

IP Alert: Is a New Crystal Polymorph Useful and Non-Obvious Over a Prior Art Form of the Same Chemical Formula?

[NEWS - 09.19.18](#)

Sarah A. Kagan comments on the recent Federal Circuit ruling on "blocking patents" in Law360

[NEWS - 08.30.18](#)

IP Alert: Does Secret Prior Art Survive in the AIA? Twelve Interested Parties Weigh In

[NEWS - 08.13.18](#)

IP Alert: Standing to Appeal Comes into Focus

[NEWS - 07.30.18](#)

IP Alert: Obviousness-By-Inherency Argument Nixed

[NEWS - 07.09.18](#)

IP Alert: Patent Wars: Genome Editing

[NEWS - 06.29.18](#)

IP Alert: Full Measure of Compensation for Infringement

[NEWS - 06.27.18](#)

IP Alert: Should "Blocking Patents" be Used as a Blunt Weapon or as a Factor in a Sophisticated Economic Analysis?

[NEWS - 05.31.18](#)

IP Alert: Can Challengers Now Attack Subject Matter Eligibility in Inter Partes Reviews?

[NEWS - 05.25.18](#)

[NEWS - 05.24.18](#)

Banner & Witcoff, 17 attorneys recognized in 2018 MIP IP Stars

[NEWS - 05.08.18](#)

IP Alert: He Who Hesitates May Lose

[NEWS - 05.02.18](#)

IP Alert: Is Functional Similarity Between Compounds Sufficient to Create a Prima Facie Case of Obviousness?

[NEWS - 04.24.18](#)

IP Alert: A Test That Cannot Be Applied Consistently

[NEWS - 04.18.18](#)

IP Alert: Did Congress Create a New Form of Infringement Without Providing Full Compensation?

[NEWS - 03.28.18](#)

Patently-O highlights Sarah A. Kagan's recent IP Alert on Federal Circuit arguments in *Gilead Sciences v. Merck*

[NEWS - 03.26.18](#)

IP Alert: Which Patent Trial and Appeal Board Trial Decisions Cannot be Appealed?

[NEWS - 03.20.18](#)

IP Alert: Inherency and Obviousness: Strange Bedfellows

[NEWS - 03.09.18](#)

IP Alert: When is a Published Patent Application Entitled to an Earlier Date as a Reference?

[NEWS - 02.22.18](#)

IP Alert: Confidentiality Agreements Get Teeth

[NEWS - 02.12.18](#)

IP Alert: A Theory of Invalidity is Not Enough to Invalidate a Patent

[NEWS - 02.02.18](#)

IP Alert: The Safe Harbor for Divisional Applications Shrinks

[NEWS - 01.09.18](#)

IP Alert: Can a Potential Infringer Use an IPR to Gain Access to Article III Courts?

[NEWS - 12.21.17](#)

IP Alert: Did the Supreme Court Bless Claims to Methods of Treating?

[NEWS - 11.30.17](#)

IP Alert: Is Infringement Required to Generate a Case or Controversy for Declaratory-Judgment Jurisdiction?

[NEWS - 11.20.17](#)

IP Alert: Inherent Risks to a Common Prosecution Strategy

[NEWS - 11.13.17](#)

IP Alert: Is a Product-by-Process Limitation a Fig Leaf?

[NEWS - 11.06.17](#)

IP Alert: Is the Safe Harbor for Divisional Applications Shrinking?

[NEWS - 10.31.17](#)

IP Alert: Federal Circuit Discredits Special Disclosure Rule for Antibodies

[NEWS - 10.19.17](#)

IP Alert: Divided Infringement and Subject-Matter Eligibility: Are Mixed Diagnostic and Therapeutic Method Claims Viable and Valuable?

[NEWS - 10.17.17](#)

IP Alert: Subject-Matter Eligibility Swallows Infringement Litigation?

[NEWS - 10.02.17](#)

IP Alert: Obviousness: The Analytic Framework May Control the Outcome

[NEWS - 09.20.17](#)

IP Alert: Clinical Trials: When is the Right Time to File for a Patent?

[NEWS - 09.01.17](#)

IP Alert: Improvement or Selection Inventions: Cannot Assume Obviousness Elements

[NEWS - 06.02.17](#)

Sixteen Banner & Witcoff attorneys recognized as 2017 MIP IP Stars

[NEWS - 05.19.16](#)

Thirteen Banner & Witcoff Attorneys Recognized as 2016 MIP IP Stars, Helen Hill Minsker among "Top 250 Women in IP"

[NEWS - 05.13.14](#)

Twelve Banner & Witcoff Attorneys Recognized as 2014 MIP IP Stars

[NEWS - 10.21.13](#)

Helen Hill Minsker and Sarah A. Kagan are selected for MIP's "Top 250 Women in IP"

[NEWS - 05.23.13](#)

Twelve Banner & Witcoff Attorneys Recognized as MIP IP Stars

[NEWS - 05.14.13](#)

Sarah A. Kagan discusses Bowman v. Monsanto in Law360

[NEWS - 05.13.13](#)

IP Alert: Supreme Court Decides Bowman v. Monsanto

[NEWS - 02.22.13](#)

Sarah A. Kagan discusses the Bowman v. Monsanto oral argument in MIP, IP Law360, GEN and C&EN

[NEWS - 02.20.13](#)

IP Alert: Supreme Court Hears Arguments in Bowman v. Monsanto

[NEWS - 07.23.12](#)

Sarah A. Kagan discusses the oral argument in the Myriad Genetics case in IP Law360

[NEWS - 07.20.12](#)

Patent Law Update: Association for Molecular Pathology v. PTO

[NEWS - 08.01.11](#)

Patent Law Update: Association for Molecular Pathology v. USPTO

[NEWS - 06.04.11](#)

Sarah A. Kagan discusses the oral argument in the Myriad Genetics case in IP Law360

[NEWS - 04.01.10](#)

Patent Law Update: ACLU v. Myriad

[NEWS - 11.23.09](#)

Sarah Kagan authors a guest column on Prometheus Laboratories, Inc. v Mayo Collaborative Services.