Cooley

Robert Eisenbach

Of Counsel



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San Francisco

Fashion, Apparel and Beauty
Business Restructuring

Bob uses his 40+ years of experience to guide companies and their boards of directors in Chapter 11 and out-of-court restructurings, help assignees generate value for creditors in assignments for the benefit of creditors (ABCs), and maximize recoveries for creditors' committees and creditors in a host of restructuring and related matters. Bob has developed a national reputation for helping clients deal with the intersection of intellectual property and bankruptcy law, representing licensors, licensees and others on these complex issues.

Bob's experience extends across industries – including life sciences, retail, software and energy – and ranges from companies restructuring billions of dollars of debt to middle-market companies selling assets and technology startups managing a liquidity crisis. He is often asked to bring his distressed M&A knowledge to bear in helping companies and private equity firms navigate the unique issues involved when buying assets from financially troubled or bankrupt companies. Bob also frequently represents clients pursuing alternatives to bankruptcy – including ABCs, winddowns and corporate dissolutions – and litigates complex preferential, fraudulent transfer and director and officer liability claims.

Bob's recent representative engagements include:

- **Sangamo Therapeutics** in successful Section 363 sales to Eli Lilly and PTC Therapeutics in its Chapter 11 bankruptcy in the District of Delaware
- **Lucira Health** in the successful Section 363 sale to Pfizer of substantially all of its assets in its Chapter 11 bankruptcy in the District of Delaware
- **PhaseBio Pharmaceuticals** in the successful Section 363 sale to various acquirers of substantially all of its assets in its Chapter 11 bankruptcy in the District of Delaware
- **Dextera Surgical** (now Dex Liquidating Co.) in the successful Section 363 sale to Aesculap and its affiliate AesDex of substantially all of its assets in its Chapter 11 bankruptcy in the District of Delaware
- **Halt Medical** in the successful Section 363 sale to Acessa Health of substantially all of its assets in its Chapter 11 bankruptcy in the District of Delaware
- **Ascena Retail Group** (now Mahwah Bergen Retail Group) in matters related to its Chapter 11 bankruptcy in the Eastern District of Virginia
- The Official Committee of Unsecured Creditors of **White Stallion Energy** in its Chapter 11 bankruptcy in the District of Delaware
- **Assignees for the Benefit of Creditors** for many privately held companies, including in the digital advertising, Big Data, biotech, alternative energy, wine industry, consumer products and retail spaces

- **A consumer services company** in a successful motion to dismiss an involuntary bankruptcy petition filed against the company in the Northern District of California
- **S&W Seed Company** in its acquisition of assets and contracts of Chromatin in a federal receivership in the US District Court for the Northern District of Illinois
- A life sciences company in a successful acquisition through a Section 363 sale of the assets of **Previvo Genomics** in a Chapter 7 bankruptcy in the District of Colorado
- **Out-of-court restructurings and recapitalizations of numerous companies**, including in the software, life sciences, consumer products and retail spaces

Bob publishes In The (Red): The Business Bankruptcy Blog to help CEOs, chief financial officers, boards of directors, credit professionals, in-house counsel and others stay informed about important business bankruptcy issues and developments. He also is a regular commentator on bankruptcy issues in the press, having been quoted in The Wall Street Journal and other business and legal publications.

Bob is a frequent speaker on the interplay between bankruptcy and intellectual property law, as well as other aspects of bankruptcy law – including on panels for the American Bar Association, the American Bankruptcy Institute and the Practising Law Institute's Intellectual Property Law Institute. Bob also has testified before the American Bankruptcy Institute's Commission to Study the Reform of Chapter 11 on intellectual property licenses, their treatment in bankruptcy cases and potential reforms to address several key issues.

For many years, Bob has been listed in the Best Lawyers in America for Bankruptcy and Creditor-Debtor Rights Law and chosen as one of Northern California's Super Lawyers. His work also has been recognized with numerous awards – including the Global M&A Network's Turnaround Atlas Award for the Pharma & Medical Restructuring Deal of the Year.

Before joining Cooley, Bob served as a law clerk to the late Judge Albert Tate Jr. of the US Court of Appeals for the Fifth Circuit in New Orleans.

Education

University of Virginia School of Law JD, Order of the Coif, 1985

Louisiana State University BA, Political Science and Economics, summa cum laude, University Medal for Highest Academic Achievement, Phi Kappa Phi National Graduate Fellowship, 1982

Admissions & Credentials

California

Court Admissions

US Court of Appeals for the Third Circuit

US Court of Appeals for the Ninth Circuit

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

Rankings & Accolades

Northern California Super Lawyers

Best Lawyers in America

Memberships & Affiliations

American Bankruptcy Institute, member

American Bar Association (ABA)

Bay Area Bankruptcy Forum

Turnaround Management Association