



Kathleen B. Carr

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Hatch-Waxman/ANDA Litigation | Intellectual Property | IP Litigation | Patents | Life Sciences | Trademarks & Copyrights | Business Litigation | Transportation, Logistics & Supply Chain Management

Kathleen keeps her eye on the ball and navigates complex and tricky issues, using her broad litigation experience to dive in and lead all sorts of matters, from practical handling of issues for the “little guy” to “bet the company” litigation.

Kathleen Carr has led trial teams in multibillion- and multimillion-dollar Hatch Waxman pharmaceutical patent litigation, and has successfully served as lead counsel for over 25 years on many cases in both federal and state court.

IP LITIGATION

Kathleen’s IP litigation practice focuses on patent, trademark, and copyright cases and disputes for clients ranging from major pharmaceutical companies to start-ups and senior executives. A registered U.S. patent attorney, she has served as lead counsel prevailing in several Patent Office inter partes review matters. She has successfully litigated and mediated patent cases for various technologies including pharmaceuticals, biotechnology, mechanical devices, computers, business methods, printing machines, mechanical seals, fax technology, and photocopiers. Kathleen’s intellectual property practice is comprehensive, and encompasses contract and license negotiation, arbitration and mediation, due diligence, infringement and validity opinions, patent term extension, indemnity issues, research “safe harbor” issues, and biologics/biosimilars.

LITIGATION AND COUNSELING

Her broad litigation and counseling experience includes cases involving admiralty and maritime law, contract disputes, insurance coverage disputes, and various other matters such as COVID-19 issues, antitrust, real estate, architecture and engineering, fire damage, and complex business litigation.

PATENT

Lead trial counsel in Hatch-Waxman litigation involving a cholesterol-lowering drug; 9-related cases. Favorably settled 7, and prevailed at trial against remaining 2 defendants. Prevailed on appeal to Federal Circuit.

Lead counsel in three IPR proceedings brought by generic pharmaceutical manufacturers against patent owner in related Hatch-Waxman litigation; successfully obtained denial of institution of all petitions.

Lead counsel on U.S. Supreme Court Amicus briefs.

Lead trial counsel in Hatch-Waxman litigation involving a direct thrombin inhibitor. Prevailed on all claims in a 156-page District Court decision, affirmed on appeal to the Federal Circuit.

In multibillion-dollar Hatch Waxman pharmaceutical litigation, successfully defended against multiple generic manufacturers' ANDA attacks on diabetes drug patents. Prevailed in both District Court and on appeal to the Federal Circuit.

Lead counsel in the negotiation of numerous settlements in Hatch-Waxman ANDA litigation.

Lead counsel obtaining a \$17+ million award for a pharmaceutical patent holder on an attorneys' fees petition.

Lead counsel in patent litigation filed in the Eastern District of Texas involving 29 patents covering photocopier technology. Settled favorably.

Trial counsel in a patent infringement action involving mechanical seals. Settled favorably on the fifth day of jury trial.

Multiple successes on behalf of an excavator in a patent license dispute, and ultimately obtained favorable settlement in patent litigation involving a tree stump excavating and crushing device patent.

TRADEMARK

Represented a global modeling agency in trademark and dilution litigation. Successfully negotiated a favorable settlement protecting the agency's trade name.

Represented a pharmaceutical company in trademark litigation. Negotiated a favorable settlement protecting the company's trade name and marks.

Multiple successes on behalf of clients through litigation and pre-litigation/cease and desist letters, including early and practical resolution of disputes.

COMMERCIAL LITIGATION

Represented intermodal carrier in hotly contested contract and insurance dispute. Settled on favorable terms, which preserved the client's business.

Represented and counseled clients on admiralty and maritime law issues and litigation, vessel arrests and attachments, on-board investigations and vessel-related incidents, and marine insurance coverage matters.

Defended securities fraud class and derivative actions.

Wide variety of experience in contract, insurance, and business litigation.

Education

Tulane University School of Law, JD, 1993

Dartmouth College, AB English; AB Physics, 1987

Bar Admissions

Massachusetts

Rhode Island

U.S. Patent & Trademark Office

Court Admissions

U.S. Court of Appeals, First, Sixth, and Federal Circuits

U.S. District Court, District of Massachusetts
U.S. District Court, Eastern District of Michigan
U.S. District Court, District of Rhode Island
U.S. District Court, Eastern District of Texas
U.S. Supreme Court,

Memberships and Certifications

Merit Selection Panel for the Reappointment of U.S. Magistrate Judge Jennifer C. Boal,
U.S. District Court, District of Massachusetts
Chair, 2018

Boston IP American Inn of Court
Former Counselor, Board Member

Charter Commission, Town of Braintree, Massachusetts
Former Elected Member

Government Study Committee, Town of Braintree, Massachusetts
Former Member

American Bar Association

Federal Circuit Bar Association

Boston Patent Law Association

Federal Bar Association

Maritime Law Association

Massachusetts Bar Association

Rhode Island Bar Association

Boston Bar Association

American Intellectual Property Law Association (AIPLA)

Volunteers in Service to America (VISTA)
Former Volunteer

US Coast Guard 100-ton licensed boat captain
Former Captain

Recognitions*

The Best Lawyers in America, Intellectual Property Litigation, Massachusetts,
2016–2024

LMG Life Sciences Star, Hatch-Waxman Patent Litigation, 2012-2021

Euromoney's Women in Business Law Expert Guide: Patent

The Legal 500 United States for Health Care: Life Sciences

* No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking methodologies, please see [here](#).

Speaking Engagements

Parallel Proceedings Think Tank: Winning Strategies for Navigating the District Court and Inter Parte Review (IPR), American Conference Institute's Hatch-Waxman Paragraph IV Disputes Conference, 4.27.2022