



Kathryn Pickard

Called: 2001

Practice

Kathryn's practice covers all areas of Intellectual Property law. She draws on her scientific background to get to grips with challenging and technically diverse technology. Kathryn has a particular interest in patent law but is equally at home with trade marks, designs, copyright and trade secrets.

Kathryn has extensive experience of High Court and Court of Appeal litigation and represents clients in the Intellectual Property Enterprise Court, Intellectual Property Office, before the Appointed Person and at mediation. She has appeared in the Supreme Court and House of Lords.

Kathryn also has experience of intellectual property litigation in other jurisdictions. She was a practising member of the Faculty of Advocates from 2014-2019, during which time she appeared regularly in the Court of Session. She has also appeared before the Supreme Court of Gibraltar.

Kathryn was awarded the "IT/IP Junior of the Year" at the 2018 Chambers and Partners Bar Awards.

What the directories say

"She is fiercely intelligent and always on top of the different strands in the case" "She is calm and considered and provides measured advice" – Chambers & Partners UK Bar (London (Bar)) 2020

"She's precise, strategic and commercial, and she easily distils complex matters down into as simple a form as possible. She is a great asset in any dispute. In a nutshell, she combines legal skills and technical understanding" – Chambers & Partners UK Bar (Scotland (Bar)) 2020

"With impressive clarity of vision and decisiveness, she is among the best" – Legal 500 UK Bar 2020

Education and Qualifications

2004 Tenancy 11 South Square

2002 Bachelor of Civil Law (Distinction), Brasenose College, Oxford University

2001 Bar Vocational Course, Inns of Court School of Law, City University

2001 Called to the Bar, Inner Temple

2000 BA Law and Natural Sciences (First Class), Clare College, Cambridge University

1996 A-levels (Double Maths, Physics & Chemistry), Hills Road VI Form College

Recent & Reported Cases

Teva UK Ltd v Gilead Sciences Inc [2019] EWCA Civ 2272

Pharmaceutical – Supplementary Protection Certificate

***Mexichem UK Ltd v Honeywell International Inc* [2019] EWHC 3377 (Pat)**
Chemical patents – declaratory relief – strike out / summary judgment

***TJX UK v SportsDirect.com Retail Ltd* [2019] EWHC 3246 (Ch)**
Trade Marks & passing off – admissibility of survey evidence

***University Court of University of St Andrews v Student Gowns* [2019] CSOH 86; 2019 S.L.T 1347**
Trade Marks & passing off – intra-UK jurisdiction – *forum non conveniens*

***Evalve Inc v Edwards Lifesciences Ltd* [2019] EWHC 3395 (Pat)**
Patent – medical devices – public interest - disclosure

***Warner-Lambert Co LLC v Generics (UK) Ltd (t/a Mylan)* [2019] UKSC 56**
Second-medical use patents – infringement – sufficiency – amendment

***Parainen Pearl Shipping Ltd v Kristian Gerhard Jebsen Skipsrederai AS* [2018] EWHC 2628 (Pat)**
Patent – repair / manufacture – exhaustion – implied licence - estoppel

Teva UK Ltd v Gilead Sciences Inc Case C-121/17 [EU:C:2018:585] & [2018] EWHC 2416 (Pat)
CJEU – Art. 3(a) SPC Regulation & Patents Court - final disposal of action

***Edwards Lifesciences LLC v Boston Scientific Scimed Inc* [2018] EWHC 1256 (Pat)**
Final injunction – patent for medical device – carve-out of injunction

***Edwards Lifesciences LLC v Boston Scientific Scimed Inc* [2018] EWCA Civ 1436; [2018] I.R.L.R. 846**
Patent appeal – validity – transcatheter heart valve

***AstraZeneca AB v Teva UK Ltd* [2017] CSOH 150; 1018 S.L.T 52**
Patent – interim interdict – pharmaceutical for breast cancer

***Generics (UK) Ltd (t/a Mylan) v Yeda Research and Development Co Ltd* [2017] EWHC 2629 (Pat); [2018] RPC 2**
Patent – infringement and validity – Arrow relief – pharmaceutical for Multiple Sclerosis

***CCHG Ltd (t/a Vaporized) v Vapouriz Ltd* [2017] CSOH 200; 2017 S.L.T 907; [2017] E.T.M.R. 35**
Trade Marks – appeal to Court of Session – validity

***Accord Healthcare Ltd v Astellas Pharma GmbH* [2017] EWCA Civ 442; [2018] 1 C.M.L.R 17**
Marketing authorisations - stay of appeal pending judgment of CJEU

***Edwards Lifesciences LLC v Boston Scientific Scimed Inc* [2017] EWHC 755 (Pat)**
Final injunctions – patent for medical device – public interest

***Teva (UK) Ltd v Merck Sharp & Dome Corp* [2017] EWHC 539 (Pat)**
Validity of SPC for HIV medication (Atripla)

***Edwards Lifesciences LLC v Boston Scientific Scimed Inc* [2017] EWHC 405 (Pat)**
Patent – infringement and validity – transcatheter heart valve

***Teva (UK) Ltd v Gilead Sciences Inc* [2017] EWHC 13 (Pat)**

Validity of SPC for HIV medication (Truvada) – reference to CJEU

Property Renaissance Ltd (t/a Titanic Spa) v Stanley Dock Hotel Ltd (t/a Titanic Hotel) [2016] EWHC 3103 (Ch)

Trade mark & passing off – infringement & own name defence; Trade Mark Appeal against decision of Registrar – admission of further evidence & revocation for non-use

Generics (UK) Ltd (t/a Mylan) v Warner-Lambert Co LLC [2016] EWCA Civ 1006

Validity of 2nd medical use patent (pregabalin) – insufficiency/plausibility; Abuse of Process – post-trial amendment

Unwired Planet International Ltd v Huawei Technologies Co Ltd & Ors [2016] EWHC 576 (Pat) Trial C

Third technical trial in the mobile telecommunications patent case

Accord Healthcare Ltd v Astellas Pharma GmbH [2015] EWHC 3676 (Ch)

Medicines Directive (2001/83/EC) – marketing authorisations – generic exemption

Generics (UK) Limited t/a Mylan v Warner Lambert Company LLC [2016] RPC 16

Post-trial amendment of patent – Abuse of process

Generics (UK) Limited t/a Mylan v Warner Lambert Company LLC [2016] RPC 3

Patent revocation and infringement action concerning a second medical use patent (pregabalin)

Starbucks (HK) Limited & Anr v British Sky Broadcasting Group plc & Ors [2015] UKSC 31

Passing off – claim in relation to Hong Kong TV subscription service under the name “Now TV”

Fresh Trading Ltd v Deepend Fresh Recovery Ltd & Anor [2015] EWHC 52 (Ch)

Copyright – claim for declaration of ownership

Teva v AstraZeneca AB [2014] EWHC 2873 (Pat)

Patent – pharmaceutical – infringement and revocation

Kennametal v Pramet Tools [2014] EWHC 565 (Pat)

Patent – milling cutter tool – infringement and validity

IPCom v HTC Europe [2014] RPC 12

Patent – 3G telecoms – Court of Appeal review of *Glaxo* guidance on stays in patent actions

Actavis v Boehringer [2013] EWHC 2927 (Pat)

Supplementary protection certificate – pharmaceutical – reference to CJEU

Samsung v Apple [2012] EWHC 1882 (Pat)

Registered design – expedited trial concerning infringement of Apple’s design for tablet computer

Specsavers v ASDA [2011] FSR 1

Trade Mark and passing-off dispute in relation to an advertising campaign launched by ASDA

Fosroc International Ltd v WR Grace & Co-Conn [2010] EWHC 1742 (Pat)

Patent – validity of patent for improved cement composition

Orbital 2 Ltd v Giger BL O/033/10

Patent entitlement dispute – wind turbine technology – application to strike out proceedings in Intellectual Property Office

Virgin Atlantic v Premium Aircraft [2010] FSR 15, CA
Patent – application for stay of inquiry pending ongoing opposition proceedings at EPO

Mölnlycke Health Care AB v BSN Medical Ltd [2009] EWHC 3370 (Pat)
Patent – wound dressing – application to stay proceedings pending outcome of foreign proceedings and application for interim injunction

Virgin Atlantic v Premium Aircraft [2009] EWCA Civ 1062, CA
Patent appeal – aircraft seating system – claim construction and identity of skilled person

Mölnlycke Health Care AB v Wake Forest University [2009] EWHC 2204 (Pat)
Patent revocation action – device for wound therapy

Aerotel Ltd v Wavecrest Group Enterprises Ltd [2009] EWCA Civ 408, CA
Patent appeal – telecommunications system

Trafalgar Financial Futures Ltd & Anr v Hamdi & Ors [2009] Supreme Court of Gibraltar Breach of confidence action - trade secrets in futures trading techniques

Virgin Atlantic Airways v Premium Aircraft [2009] EWHC 26 (Pat)
Patent and unregistered design right dispute - Virgin Airways' Upper Class Seating system

KJM Superbikes Ltd v Hinton [2008] EWCA Civ 1280, CA
Application for permission to bring contempt proceedings against a witness who signed a false statement of truth

Patel v Allos Therapeutics Inc [2008] ETMR 75
Cybersquatting dispute concerning challenge to decision of ICANN UDRP tribunal

Aerotel Ltd v Wavecrest Group Enterprises Ltd [2008] EWHC 118 (Pat)
Patent action – infringement and validity of patent for a telecommunications system

Honda Motor Co Ltd v Neesam [2008] EWHC 338 (Ch)
Trade mark infringement action – parallel importation of Honda motorbikes

GAT Microencapsulation Gmbh v Syngenta Ltd O/039/08
Patent revocation action – patent for microcapsules of insecticide

Yeda Research and Development Co Ltd v Rhone-Poulenc Rorer International Holdings Inc [2008] RPC 1, House of Lords
Appeal on the law of patent entitlement

Pan World Brands Ltd v Tripp Ltd (EXTREME Trade Mark) [2008] RPC 2
Appeal to the Appointed Person – trade mark revocation action

Ultraframe (UK) Ltd v Fielding & Ors: [2007] CP Rep 12, CA
Costs - relevance of misconduct to assessment of costs

GE Healthcare Ltd v PerkinElmer Life Science (UK) Ltd & Ors [2006] EWHC 214 (Pat)
Patent action – infringement, validity & entitlement - patent for a scintillation proximity assay

Ultraframe (UK) Ltd v Gary Fielding & Ors [2006] FSR 17
99-day trial - misappropriation of business and design right infringement

Publications & Teaching

Civil Appeals (2nd ed.), edited by Sir Michael Burton: Sweet & Maxwell (2013) – contributor;
The Common Law of Intellectual Property: Essays in Honour of Professor David Vaver: Hart Publishing (2010)
– contributor;
A Whiter Shade of Pale: the doctrines of estoppel, acquiescence, laches and delay: Legal Hub, Sweet
& Maxwell (2009);
The Company Names Tribunal: Legal Hub, Sweet & Maxwell (2009)

2012-15 Tutor, Intellectual Property, Edinburgh University
2011-12 Supervisor, Intellectual Property Tripos, Cambridge University

Memberships

Faculty of Advocates (non-practising)
Intellectual Property Bar Association
Chancery Bar Association
South Eastern Circuit