



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 also 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 (and was nominated again in 2023) and was The Lawyer's 'Barrister of the Week' in July 2021. She was Consulting Editor of Halsbury's Laws Vol 97A (2021): Trade Marks and Trade Names.

What the directories say

"Kathryn Pickard is incredibly brilliant; she is hard-working and her oral advocacy is superb".

"Kathryn is a very determined advocate with very good oral and written skills, complemented by her very strong legal and scientific background"

- Chambers & Partners UK Bar 2023 (Band 1)

"Kathryn is always calm and unflappable, and has a deceptively razor-sharp mind. She thinks on her feet very quickly and her advocacy is brilliant – she has a calm yet forceful nature to her advocacy, and she has a lot of credibility with the bench"

- Legal 500 UK Bar 2024 (Tier 1)

"Forensic mind and experience"; "great reputation with clients"; "great performer with a calm demeanour, highly rated"

- Juve Patent Barristers – UK 2023

Education and Qualifications

2004 Tenancy 11 South Square

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

2001 Called to the Bar, Inner Temple

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

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

***Philip Morris Products SA v Nicoventures Trading* [2023] EWHC 2616 (Pat)**

Heat not burn technology – Arrow relief – validity & infringement (including equivalents)

***Wright & Ors v Coinbase & Ors* [2023] EWHC 1893 (Ch); *CRYPTO Open Patent Alliance v Wright* [2023] EWHC 1894 (Ch)**

Cryptocurrencies – ownership of Bitcoin – stay of database right and passing off claims - security

***Nicoventures Trading Ltd v Philip Morris Products* [2023] EWHC 854 (Pat)**

Heat not burn technology – patent validity and infringement

***AutoStore Technology AS v Ocado Group Plc* [2023] EWHC 716 (Pat)**

Automatic storage and retrieval systems for warehousing – patent infringement and validity

***Philip Morris Products SA v Nicoventures Trading Ltd* [2022] EWCA Civ 1638**

Patent appeal – construction & obviousness

***Kigen (UK) Ltd v Thales DIS France SA* [2022] EWHC 2846 (Pat)**

eSIM technology – jurisdiction – proceedings for FRAND declaration

***Alcon Eye Care UK v AMO Development, LLC* [2022] EWHC 955 (Pat)**

Laser eye surgery – patent validity and infringement

***Fairfax & Favor Ltd v The House of Bruar Ltd* [2022] EWHC 689 (IPEC)**

Spanish riding boots – design right – validity and infringement

***Illumina Cambridge v Latvia MGI Tech SIA* [2021] EWCA Civ 1924**

DNA sequencing – patents appeal

***AutoStore Technology AS v Ocado Group Plc* [2021] EWCA Civ 1003 & [2021] EWHC 1614 (Pat)**

Disclosure of without prejudice discussions in US ITC proceedings

***Nicoventures Trading Ltd v Philip Morris Products* [2021] EWHC 1977 (Pat)**

Heat not burn technology – patent infringement & validity

***Anan Kasei Co Ltd v Neo Chemicals & Oxides Europe (Ltd)* [2021] EWHC 1035 (Ch)**

Summary Judgment – importation / keeping & causation of damage– withdrawal of admissions

***Philip Morris Products SA v RAI Strategic Holdings Inc* [2021] EWHC 537 (Pat)**

Heat not burn technology – patent infringement & validity

***Illumina Cambridge Ltd v Latvia MGI Tech SA* [2021] EWHC 57 (Pat)**

DNA sequencing – patent infringement & validity

***Edwards Lifesciences v Meril* [2020] EWHC 2562 (Pat)**

Transcatheter heart valve – patent infringement & validity

***Akebia Therapeutics v Fibrogen* [2020] EWHC 866 (Pat) & [2021] EWCA Civ 1279**

HIF-PH inhibitors for treatment of anaemia – patent infringement & validity

***Evalve v Edwards Lifesciences* [2020] EWHC 513 (Pat) & [2020] EWHC 514 (Pat)**
Transcatheter heart valve – patent infringement & validity - public interest defence to injunction

***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, appeal against decision of Registrar

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

Validity of 2nd medical use patent (pregabalin)

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

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 – advertising campaign

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

Halsbury's Laws 5th Edition Volume 97A (2021): Trade Marks and Trade Names, Vol 97A 2021 – Consulting Editor

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