

NEW YORK CITY

Kevin J. Culligan

SHAREHOLDER



Kevin's Profile

Kevin Culligan serves as the Managing Shareholder of the Firm's New York City Office and is a member of Maynard Cooper's Intellectual Property Litigation and Intellectual Property Protection practice groups. He has focused his practice for 40 years on the litigation, trial, arbitration and appeal of intellectual property matters, concentrating primarily on patent, trade secret and unfair competition cases in the fields of pharmaceuticals, biosimilars, biotechnology and financial services. Kevin also has extensive patent, trade secret, know-how and trademark licensing experience, and he counsels and represents clients in connection with IP strategy issues, joint development agreements and disputes, collaboration and license agreements and related disputes, supply agreements, IP transactions and PTAB proceedings.

Clients and peers recognize Kevin internationally as a leading practitioner. LMG named Kevin a "Life Sciences Star" in 2019 and again in 2020 in the categories of General Patent Litigation, Patent Strategy & Management and Hatch-Waxman Patent Litigation. Managing Intellectual Property identified Kevin as a National and New York "IP Star" for 2020-2021. Best Lawyers in America has included Kevin every year since 2005 in the categories of Litigation: Intellectual Property and Litigation: Patent. Super Lawyers has identified Kevin as a "Top Rated Intellectual Property Litigation Attorney" in New York City every year since 2006. LMG named Kevin to its "Best of the Best USA Patent Litigators" in 2014 and 2016, and in 2014 identified Kevin as one of the 30 best patent litigators in the world in its "Best of the Best Patent Litigators Worldwide."

Members of the financial services industry regard Kevin as a thought leader in patent litigation and IP licensing matters. Kevin served as the Chairperson of the last two (15th and 16th) annual summit meetings in New York City focusing on Protecting Innovations in the Financial Services Industry.

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Before joining Maynard Cooper & Gale, Culligan was a partner in Goodwin's IP Litigation Group, Patent Litigation Practice and FinTech Practice. He earned an A.B. in Biology from Colgate University in 1976 and a J.D. from Cornell Law School in 1980, and was a partner for many years at Fish & Neave before that patent litigation firm merged with another firm in 2005.

Kevin's Experience

- Representing Swiss and German affiliates of Merck KGaA in an action filed in Delaware seeking (1) a declaration that the royalty provisions of a license agreement are illegal and unenforceable because they do not provide for a "step-down" of royalties on sales of a therapeutic antibody upon expiration of the licensed patents, and (2) reformation of the agreement to provide for an appropriate royalty reduction, while defending clients against counterclaims that include a claim to correct inventorship of client's patent covering the licensed oncology product
- Successful defense of leading multinational high technology company in patent infringement actions commenced in Delaware and California in which the plaintiff claimed the company infringed patents directed to online, bi-directional transactions in real time
- Successful defense of a subsidiary of a leading banking association and payments company in an action commenced in New Jersey for alleged breach of contract, business torts and fraud, and for alleged civil RICO violations and violations of the antitrust laws
- Successful defense of multinational banking and financial services company in a patent infringement action in which the plaintiff claimed that three patents posed a fundamental challenge to the company's ability to provide its clients and customers with online banking services that enable bi-directional transactions in real time
- Defense of Bank of America's and Merrill Lynch's mobile banking services and smart phone applications in a complex Multi-District Litigation in which the plaintiff alleged infringement of four patents
- Defense of Bank of America in a patent infringement action in which the plaintiff alleged that Bank of America employs infringing methods and systems that enable clients and customers to transmit secure messages across insecure networks
- Defense of Teva in a patent infringement action commenced by Pfizer under the Hatch-Waxman Act in response to Teva's challenge of the patent that Pfizer listed in the "Orange Book" to protect VIAGRA®, Pfizer's drug for the treatment of erectile dysfunction
- Defense of Teva in an action for patent infringement filed by Novartis under the Hatch-Waxman Act in response to Teva's filing of an ANDA seeking approval to market a generic version of Novartis's drug TOBI®
- Represented Merck KGaA in an international arbitration proceeding against ImClone in which Merck obtained indemnification for losses associated with breaches of provisions in a patent license and development agreement that relates, among other things, to therapeutic compositions that combine EGF receptor-targeting

monoclonal antibodies and anti-neoplastic agents for the treatment of cancer

Kevin's Awards

- Euromoney LMG Life Sciences Guide named Kevin a “Life Sciences Star” in 2019 and 2020 for General Patent Litigation, Patent Strategy & Management and Hatch-Waxman Patent Litigation
- Managing Intellectual Property identified Kevin as a National and New York “IP Star” for 2020-2021
- Top 50 New York Super Lawyers® (2019 and 2020)
- Legal Media Group’s Euromoney Institutional Investor named Kevin to the list of “Leading Patent Litigators in the U.S.” in 2012 and 2014, “Best of the Best USA” in 2014 and 2016, and “Best of the Best Patent Litigators Worldwide” in 2014
- The Best Lawyers in America® for Litigation: Intellectual Property and Litigation: Patent (2005-present)
- New York Super Lawyers for Intellectual Property, Intellectual Property Litigation and Appellate (2006 - present)
- Managing Intellectual Property’s Guide to the World’s Leading Patent Law Experts

Kevin's Affiliations and Civic Involvement

- American Bar Association
- American Intellectual Property Law Association (AIPLA)
- New York City Bar Association
- Federal Circuit Bar Association
- New York Intellectual Property Law Association (NYIPLA)

Bar Admissions

State Bar: New York

U.S. District Court: New York (Eastern, Southern, Western)

U.S. Court of Appeals: Third Circuit, Ninth Circuit, Federal Circuit

U.S. Supreme Court

Education

Cornell Law School (1980, J.D.)

Colgate University (1976, A.B.)