

Kathryn Pickard

Year of Call: 2014

kathryn.pickard@axiomadvocates.com
07539 524381



Professional Career to date

Devil Master: David Thomson

2014: Year of call

2004 (to date): Practice at English Bar (11 South Square)

2012 (to date): Tutor, Intellectual Property, Edinburgh University

2011-12: Supervisor, Intellectual Property, Cambridge University

Education & Professional Qualifications

Member of Faculty of Advocates (2014)

Called to English Bar (Inner Temple) (2001)

BCL (Oxon) (2002)

MA (Cantab Law & Natural Sciences) (2000)

Areas of Expertise

- Intellectual Property Rights
- Commercial Contracts
- Media Law

Professional Experience

Kathryn has over ten years' experience of practice at the English Bar. She has gained extensive litigation experience at all levels and has appeared on behalf of clients at the UKIPO and before the Appointed Person. She has also advised and drafted documents in support of actions at OHIM, appeals to the General Court of the European Union and references to the Court of Justice of the European Union.

Kathryn regularly advises on all aspects of intellectual property law as well as actions for misuse of confidential information, privacy and issues arising from the misuse of information on the internet. Kathryn's background in the natural sciences means that she is well placed to deal with cases where the subject matter is technically complex and she has advised on the construction of commercial contracts, ownership disputes, unjust enrichment, breach of fiduciary duties and breach of professional duties by IP professionals. Kathryn has appeared in the Court of Session, High Court, Court of Appeal and Supreme Court.

Recent Cases

Intellectual Property

As English Counsel:

Warner Lambert Co LLC v Generics (UK) Ltd (t/a Mylan) [2016] EWCA Civ 1006 (Court of Appeal):
Second medical use patent (pregabalin) - validity appeal - test for insufficiency - patent amendment -
abuse of process

Unwired Planet International Ltd v Huawei Technologies Co Ltd [2016] EWHC 576 (Pat):
Telecommunicationsmobile phone standard essential patent - infringement and validity

Accord Healthcare Ltd v Astellas Pharma GmbH [2015] EWHC 3676 (Ch): Marketing authorisations -
generic medicines - Directive 2001/83

Generics (UK) Ltd (t/a Mylan) v Warner-Lambert Co LLC [2015] EWHC 3370 (Pat): Patent
amendment - abuse of process

Generics (UK) Ltd (t/a Mylan) v Warner-Lambert Co LLC [2016] RPC 3: Second medical use patent
(pregabalin) - validity - insufficiency & obviousness

Starbucks (HK) Ltd v British Sky Broadcasting Group Plc [2015] UKSC 31 (Supreme Court): Passing
off - foreign business - goodwill in the jurisdiction

Everseal Stationery Products Ltd v Document Management Systems Ltd [2015] EWHC 842 (IPEC):
Patent - mailer - infringement & validity

Warner-Lambert Co LLC v Actavis Group PTC EHF
[2015] RPC 24: NHS Guidance - second medical use patents - orders to issue guidance on prescribing
and dispensing pharmaceuticals

Fresh Trading Ltd v Deepend Fresh Recovery Ltd
[2015] EWHC 52 (Ch): Innocent Smoothies Logo - assignment of logo - copyright ownership,
construction, acquiescence, estoppel

Teva v AstraZeneca AB[2014] EWHC 2873 (Pat): Patent - pharmaceutical - infringement & revocation

Wilko Retail v Buyology[2014] EWHCC 2221 (IPEC): TM infringement - availability of Norwich
Pharmaceutical relief

Kennametal v Pramet Tools[2014] EWHC 565 (Pat): Patent - milling cutter tool - infringement & 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] EWCA Civ 1223: Stay of publicity order

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 GigerBL 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

Advocates Courts & Tribunals

Scotland: Court of Session

England & Wales: Supreme Court; House of Lords; Court of Appeal; Chancery and Queen's Bench Divisions of the High Court of Justice; Intellectual Property Enterprise Court ("IPEC"); Intellectual Property Office; Appointed Person

In 2008 Kathryn was called to the Bar of Gibraltar for a 10-day breach of confidence action before the Supreme Court of Gibraltar

Publications

Civil Appeals (2nd Ed.), edited by Sir Michael Burton: Sweet & Maxwell (2013): co-author intellectual property chapter

The Common Law of Intellectual Property: Essays in Honour of Professor David Vaver, edited by Ng, Bently & D'Agostino: Hart Publishing (2010): co-author chapter on patent trials

Directories

Chambers and Partners 2016 (London Bar) recommended for intellectual property law: "Very, very bright, and really knows how to dissect a witness."; "An exceptionally sensible and user-friendly junior."

Legal 500 2016 (London Bar) recommended for intellectual property law: "Known for pharmaceutical cases"

Chambers and Partners 2015 (London Bar) recommended for intellectual property law: "Outstanding - she's very thoughtful, writes really well and is very nice to deal with"

Legal 500 2015 (London Bar) recommended for intellectual property law: "Experienced in the High Court and Court of Appeal"