

Kevin C. Quigley

Principal



T (617) 248-4737 | M (774) 263-2549
kquigley@choate.com

Practice Areas

Intellectual Property Litigation
Trade Secret Litigation
Complex Trial & Appellate Litigation

Education

Boston College Law School
JD (2012) *cum laude*
Note Editor, *Boston College Law Review*

Boston College
BA (2009) *magna cum laude*

Admissions

Massachusetts
U.S. District Court, Massachusetts
U.S. Court of Appeals, First Circuit

Kevin Quigley helps life sciences and technology companies to protect their intellectual property portfolios by successfully resolving their trade secrets, patent, and IPR disputes. Over the span of his career, Kevin has also regularly counseled his clients in a range of successful high stakes commercial disputes. He is highly regarded by clients who appreciate his abilities as a strategic case manager who considers clients' business goals to be a critical part of case management. A skilled communicator, Kevin has a notable style that allows him to spell out legal and technical concepts clearly, concisely, and forcefully.

Kevin gained significant first-chair criminal trial and motion practice experience as a former Special Assistant District Attorney for Suffolk County.

Representative Engagements

- ***Milliman, Inc. et al. v. Gradient A.I. Corp. et al., D. Mass.***: Counsel for Gradient A.I. in patent infringement and trade secret litigation relating to systems for de-identifying data.
- ***EMC v. Pure Storage, D. Mass.***: Counsel for Dell/EMC in large litigation alleging that competitor engaged in a nationwide conspiracy with dozens of former employees to misappropriate proprietary information and solicit customers and employees in violation of restrictive covenants; defended against counterclaims alleging breach of license agreement and false advertising. Also represented EMC in several successful lawsuits for emergency injunctive relief against former employees.
- ***Amgen Inc. et al. v. Adello Biologics, LLC/Kashiv Biosciences, D. N.J.***: Counsel for Adello/Kashiv in complex patent infringement litigation arising under the Biologics Price Competition and Innovation Act of 2009 ("BPCIA") relating to Kashiv's application to the FDA seeking approval of its filgrastim product as a biosimilar to Amgen's filgrastim product sold under the brand name Neupogen. Also advised Kashiv in parallel IPR proceedings.
- ***Personalized Media Communications v. Akamai, E.D. Texas***: Counsel to Akamai in NPE patent lawsuit regarding Akamai's internet content delivery technology. Coordinated with co-defendants Google and Netflix.
- ***Hewlett-Packard Company v. Rhode Island Department of Motor Vehicles, RI Superior Court***: Counsel for Hewlett Packard Enterprise in a dispute related to the implementation of a complex computer network system controlling the Department of Motor Vehicles for the State of Rhode Island.
- ***Children's Medical Center Corporation v. Celgene Corporation, D. Mass.***: Counsel for Celgene in breach of contract litigation regarding exclusive license agreement related to patents concerning Revlimid® and Pomalyst® (treatments for cancer).

- ***New England BioLabs, Inc. v. Enzymatics, Inc., Mass. Superior Court:*** Counsel for New England BioLabs in trade secret dispute related to methods of manufacture of certain restriction enzymes used in next generation sequencing.
- Represented Suffolk Construction Company and private investors in an action alleging bad faith, intentional misconduct, and violations of an operating agreement that scuttled the billion dollar development of 1000 Boylston Street in Boston, MA.
- Defended HPE and its affiliates in litigation alleging breach of contract, misrepresentation, and unfair and deceptive business practices related to a series of international transactions involving the sale of telecommunications equipment.
- Represented private equity firm and portfolio company in Delaware Chancery Court litigation alleging fraud and various breaches of representations and warranties following the acquisition of a health care company.
- Represented German life sciences company in IPR challenging CAR-T cell therapy patent.
- Represented private equity firm in Delaware Chancery Court action for fraud and breach of asset purchase agreement.
- Represented best-selling author in First Circuit appeal regarding \$50M jury verdict for business manager's breach of fiduciary duty.
- Represented luxury real estate broker in trade secret action.
- Represented investment firm in various actions regarding alleged breach of purchase agreement and intellectual property rights.
- Assisted in defense of major pharmaceutical company in federal investigation into sales and marketing practices.

Publications and Presentations

- "Patent Litigation Trends," panelist, Boston Bar Association IP Year in Review, January 2022
- "Sandbagging: Choice of law matters," co-author, *The PE Hub Network*, September 2018
- "Tips for When Not to Bring a Claim under the Defend Trade Secrets Act," author, *American Bar Association*
- "Protective Orders Should Take Center Stage in IP Cases," co-author, *IP Law360*
- "Libor Litigation Must Overcome Significant Obstacles," co-author, *Securities Law360*
- "Uncorking Granholm: Extending the Nondiscrimination Principle to All Interstate Commerce in Wine," author, *Boston College Law Review*

Professional and Community Involvement

- Member, Boston Bar Association
- Member, American Bar Association
- Boston Intellectual Property Inn of Court

- Xaverian Brothers High School Headmaster's Leadership Council

Recognition

- *Massachusetts Super Lawyers* Rising Star (2017-2022)
- *Massachusetts Super Lawyers*