

# THREE NEW SQUARE

INTELLECTUAL PROPERTY



## KATRINA HOWARD

Called (Melbourne,  
Australia): 1988

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LDE454

## DOOR TENANT AT 3 NEW SQUARE

Katrina Howard read and practised at the Melbourne bar, before moving to the Sydney bar in 1993. She was appointed senior counsel in 2006. She was head of Wardell Chambers, level 15, from 2006 until she moved to Selborne Chambers, Level 9, in 2011. In 2008, she was called to the Bar of England and Wales and is a door tenant at Three New Square, Intellectual Property Chambers, London.

## PRACTICE AREA

Katrina Howard specialises in the field of intellectual property, especially patents. Most of her patent related work has been in the biological sciences including pharmaceuticals and biotechnology. She has acted in most of the major cases in these areas in the last twenty years in Australia, listed below. Many of these cases have been part of multinational litigation, parallel to cases conducted in the UK and USA. More recently, she has acted for Samsung in its battle against Apple over smartphone technology.

She has a Bachelor of Science with Honours (pharmacology) (First Class), Monash University (Melbourne) and a Bachelor of Law with Honours (Class IIa), Melbourne University. She is the author of Designs Law in CCH Industrial and Intellectual Property Reporter and has given numerous presentations at local, national and international conferences, and has published several articles in her areas of interest.

In 2012, Katrina Howard was voted best female lawyer (intellectual property) in Australia, in Doyle's Guide to the Australian Legal Profession.

## EDUCATION

- Bachelor of Science with Honours (pharmacology) (First Class), Monash University (Melbourne)
- Bachelor of Law with Honours (Class IIa), Melbourne University

## PRINCIPAL CASES (PATENTS)

### HIGH COURT OF AUSTRALIA:

- Kimberley-Clark v Arico (sufficiency of patents, nappies)
- Grain Pool of Western Australia v The Commonwealth (constitutional validity of Plant Varieties Act)
- Astra v Alphapharm (inventive step, omeprazole formulation)
- UWA v Gray (entitlement, special leave refused)
- Samsung v Apple (interlocutory injunction, special leave refused)

### FEDERAL COURT OF AUSTRALIA:

- Alphapharm v Tanabe (patent for a beta-blocker, term extension trial)
- Asahi v Grace (patent for shrink wrap plastic, trial and appeal)
- Murex v Chiron (patent for the hepatitis C virus, trial)
- Tidy Tea v Unilever (patent for dripless teabags, trial and appeal)
- Biochem v Emory (patent for the drug 3TC, used to treat AIDS, hearing and appeal)
- Genetics Institute v Amgen (patent for the hormone, erythropoietin, trial and appeal); also Genetics Institute v Johnson (prior claiming, appeal from patent office)
- New England Biolabs v Hoffman La-Roche (patent for the enzyme, taq polymerase, used in PCR, trial)
- Atlantis v Schindler (patent for drainage cells, appeal)
- Clark v Coffey (patent for a method for detecting opal deposits, trial)
- M v Tyco (patent for electrical connectors, trial and appeal)
- Gambro v Fresenius (patent for dialysis machines, trial, appeal and trial as to damages)
- Eli Lilly v Pfizer (patent for use of Viagra to treat erectile dysfunction, trial and appeal)
- Mycogen v Monsanto (patent for genetically engineered cotton plants, trial)
- Conor v Angiotech (patent for drug-eluting (taxol) stents, hearing and appeal on entitlement)
- Hexal v Hoffmann La Roche (patent for use of carvedilol to decrease mortality from heart failure, interlocutory injunction)
- Merck v Genrx (patent for the drug, alendronate, used to treat osteoporosis, interlocutory injunction)
- Merck v Arrow (patent for the drug, alendronate; trial and appeal)
- Pfizer v Commissioner of Patents (extension of patent for the anti-fungal drug, voriconazole, trial and appeal)
- Emperor Sports v Commissioner of Patents (acted for the Commissioner in appeal regarding re-examination of procedures)

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- IGT v Aristocrat (games for poker machines, trial and appeal)
- Alphapharm v Lundbeck (patent for the anti-depressant drug, escitalopram, trial and appeal)
- DuPont v ICI and the Commissioner of Patents (acted for the Commissioner in appeal regarding opposition procedures)
- Sheiman v Novopharm (conspiracy claim relating to patent applications for sterilisation apparatus)
- Interpharma v Lilly (patent for gemcitabine, anti-cancer agent)
- Inverness v MDS (pregnancy testing kits)
- Hospira v Amgen (patent for PEG-GCSF, a pegylated hormone used to increase blood cell count)
- Novozymes v Danisco (patent relating to an enzyme (lipase) used in baking bread)
- Apotex v Lilly (patent for olanzapine, used to treat schizophrenia, trial)
- Apotex v AstraZeneca (patents relating to rosuvastatin, a cholesterol-lowering agent)
- Samsung v Apple (smartphone technology)

### APPEARANCES BEFORE THE AUSTRALIAN PATENT OFFICE IN MANY CASES, INCLUDING THE FOLLOWING OPPOSITIONS:

- Genentech v Celltrix (insulin like growth factor binding protein)
- Tioxide v Kerr McGee (process for manufacturing titanium dioxide)
- CSIRO v Bio-Care (method for controlling termites)
- DSM NV v Novo Nordisk (patent for Aspergillus tubigenensis XYL b enzyme)
- Affymax v Diversa (patent for DNA shuffling)
- Human Genome Sciences v Ludwig (VEGF2 protein)
- SmithKline Beecham v Lek (combination of amoxicillin and clavulanate)
- Genentech v HGS (VEGF-related protein)
- Bluescope v IGS Technologies (coated steel compositions)
- Novogen v GJ Consultants (entitlement)
- Novozymes A/S v DSM N. V. (methods for expression cloning in filamentous fungi)
- Nestle v Effem (canned pet food)
- Oravax v CSL (Helicobacter vaccine)
- Bayer v Novartis (endoparasitocidal agents)
- Ashmont v Nature Vet (anthelmintic formulations)
- Orenco v Everhard (septic tanks)
- Merck v Sherman (enalapril formulation)
- Fexco DCC v Mainline (method for foreign currency conversion)
- Euro-celtique v Grunenthal; Grunenthal v Mundipharma (opoid formulations)
- Unilever v Nestec (ice confections)
- CSR v Renouf (laminated insulating material)
- Sheiman v Novapharm (sterilisation apparatus)
- Vistakon v Novartis (contact lenses)
- NewSouthInnovations v Kaczmarek (entitlement)
- Alphapharm & 3 Ors v Lundbeck (anti-depressant – extension of time application, following opposition and subsequent appeals)
- Haas v Steiner (anti-microbial agents)
- Novartis v Bayer (endoparasitocidal agents)
- Martek v Suntory (process for manufacturing oils used in infant formula)
- Apotex v AstraZeneca (patent relating to rosuvastatin)

### OTHER AREAS OF INTEREST

Cases relating to injuries allegedly caused as a result of exposure to radiation. She has appeared in various cases alleging personal injury as a result of exposure to extremely low frequency radiation from high voltage power lines, and appeared on behalf of the Electrical Supply Association of Australia (representing all electrical utilities in Australia) in the Government Inquiry into Community Needs and High Voltage Transmission Line Development conducted in 1991.