



Timothy H. Gray

Partner

Appeals and Critical Motions

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Timothy Gray brings keen analysis, insight and craft when representing some of the country's most prominent companies in complex civil litigation in state and federal trial and appellate courts. He is committed to helping clients secure favorable outcomes through forceful advocacy, thoughtful strategy and mastery of the issues.

Skilled analysis for effective advocacy

A former district and appellate clerk, Tim is an experienced trial and appellate court litigator. He crafts powerful, persuasive arguments as a written advocate, serving as principal author on dozens of briefs and motions at all stages of litigation — from motions to dismiss to Supreme Court *certiorari* petitions — in state and federal courts. His written advocacy has been equally effective in a wide array of fields, including patent infringement, false advertising, securities class actions, complex regulatory regimes and constitutional challenges to federal statutes.

Tim is also an experienced trial advocate. At Katten, he has helped represent clients at trials of federal false advertising disputes, presenting oral arguments on critical issues and prevailing on mid- and post-trial disputes. Before joining Katten, he helped secure a record mid-trial settlement for a pro bono client in a case involving an inmate's wrongful death in a New York State prison.

Tim works closely with Katten's other accomplished practice groups to achieve optimal client results. With the Securities Litigation team, he has helped win significant victories in class action suits — in one case, obtaining a rare interlocutory appeal from a grant of class certification. Supporting the Intellectual Property teams, Tim represents numerous pharmaceutical and electronics manufacturers, helping win trial-level cases and Federal Circuit appeals. He regularly assists the firm's Insolvency and Restructuring group in time-sensitive mid-bankruptcy investigations, providing cogent, concise analyses of legal and factual issues.

Before joining Katten, Tim practiced at a New York firm. He served as a law clerk for the Honorable Denise Cote of the US District Court, Southern District of New York and for the Honorable Reena Raggi of the US Court

Practices

- Appeals and Critical Motions
- Securities Litigation
- Patent Litigation and Patents
- Trademarks and Trademark Litigation
- Advertising, Marketing and Promotions

Education

- JD, Columbia Law School, *Harlan Fiske Stone Scholar, James Kent Scholar*
- BA, University of Virginia, *with high distinction, Phi Beta Kappa*

Bar Admissions

- District of Columbia
- New York

Court Admissions

- US District Court, Southern District of New York
- US District Court, Eastern District of New York
- US Court of Appeals, First Circuit
- US Court of Appeals, Second Circuit
- US Court of Appeals, Third Circuit
- US Court of Appeals, Sixth Circuit
- US Court of Appeals, Seventh Circuit
- US Court of Appeals, Ninth Circuit
- US Court of Appeals, Tenth Circuit
- US Court of Appeals, Federal Circuit

Community Involvements

- New York State Bar Association, Member

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of Appeals for the Second Circuit. He was an articles editor for the *Columbia Law Review*.

Representative Experience

Representative Matters – Securities

- Successfully defended dismissal of putative securities class action in the U.S. Court of Appeals for the Third Circuit on behalf of leading bio-pharmaceutical company accused of concealing and misrepresenting results of drug trials.
- Helped obtain rare interlocutory appellate review of securities class certification in the U.S. Court of Appeals for the Ninth Circuit on behalf of prominent purveyor of shipping supplies.
- Represented manufacturer of medical assays against securities class action alleging fraudulent disclosures.

Representative Matters – Intellectual Property

- Represented and led appellate briefing for generic pharmaceutical manufacturers in multiple appeals in the U.S. Court of Appeals for the Federal Circuit involving issues of infringement and invalidity.
- Member of team that won appeal on behalf of IT company in the U.S. Court of Appeals for the Federal Circuit, convincing court to reverse the PTAB's judgment that crucial telecommunications patents were invalid.
- Represented leading electronics manufacturer in trademark-infringement litigation.
- Represented leading clothing brand-owner in false advertising litigation through trial and post-trial proceedings.
- Represented manufacturer of sophisticated medical testing assay in false advertising litigation through case-dispositive motion practice, trial, post-trial, and appellate proceedings.
- Represented major electronic component manufacturer in infringement and patent validity dispute.
- Represent prominent New York fashion brand in state-court suit involving alleged violation of publicity rights.

Other Representative Matters

- Represented and led appellate briefing for credit union in the U.S. Court of Appeals for the Seventh Circuit, successfully securing affirmance of dismissal of putative class action.
- Member of appellate team that defended, in partnership with State Attorney General's Office, two State laws regulating pharmacy benefit

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managers (PBMs), which PBMs contended were preempted by ERISA and Medicare Part D. Won U.S. Supreme Court vacatur of adverse ruling from the U.S. Court of Appeals for the Eighth Circuit; subsequently persuaded Eighth Circuit on remand to reject all ERISA challenges and to preserve all provisions of the law except those displaced by intervening changes to Medicare standards.

- Member of team that successfully overturned, in the Colorado Court of Appeals, denial of credit union's motion to compel arbitration.
- Defended on appeal to Southern District of New York a bankruptcy court's record contempt sanction award to client telecommunications provider arising from competitor's automatic stay violation.
- Represented health care professionals and practices in connection with federal Anti-Kickback Statute investigations.
- Chief author of briefing that helped win dismissal of Maryland state action seeking judicial ruling that client medical practices' structures were unlawful.

Recognitions

Recognized or listed in the following:

- *Super Lawyers Rising Stars*
 - Washington, DC, 2023–2025

News

- Katten Restructuring Wins in Seven Categories of *The M&A Advisor's* 19th Annual Turnaround Awards (January 30, 2025)
- Katten Announces 2024 Partner Promotions (August 27, 2024)
- Katten Attorneys Named to 2024 Washington, DC Super Lawyers, Rising Stars Lists (April 22, 2024)
- Precedent-Setting Patent Win in Federal Circuit Creates Media Buzz From *Bloomberg Law*, *Reuters*, and More (November 7, 2023)
- Katten Attorneys Selected to 2023 Washington, DC Super Lawyers, Rising Stars Lists (April 26, 2023)
- *Global M&A Network* Honors Katten's Insolvency and Restructuring Team With Turnaround Atlas Awards (August 11, 2022)
- Katten Insolvency and Restructuring Team's 2021 Achievements Recognized with *M&A Advisor* Awards (June 13, 2022)

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Publications

- Privacy, Data and Cybersecurity *Quick Clicks* | Issue 27 (March 2025)
- President Trump Fires Two Democratic FTC Commissioners (March 20, 2025)

Presentations and Events

- ANA Advertising Law 1-Day Conference (March 26, 2025) | *Presenter*
| *Recent Developments in Advertising Law: Trends and Key Decisions*