

Timothy H. Gray

Associate

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Practices

FOCUS: Appeals and Critical Motions
Litigation
White Collar and Internal Investigations

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

Timothy Gray brings keen analysis, insight and craft to 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 litigator who has drafted key dispositive motions and overseen complex, years-long cases. He has defended key industry players against high-stakes patent infringement, false advertising, Sherman Act and securities fraud claims, including putative class actions. He has also vigorously pursued actions on his clients' behalf, including civil RICO and insurance fraud claims for a leading pharmaceutical manufacturer. On behalf of clients ranging from prominent technology companies to state boards of pharmacy, Tim has helped secure crucial victories in both federal and state appeals courts. He also has embedded with trial teams to handle pre- and post-trial motion practice, jury instructions, and preserving issues for appeal.

Before joining Katten, Tim practiced at a New York firm. He served as a law clerk for the Honorable Denise Cote of the Southern District of New York, and for the Honorable Reena Raggi of the US Court of Appeals for the Second Circuit. He was an articles editor for the *Columbia Law Review*.

Representative Experience

Representative Appellate Matters

- 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.

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- 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 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.
- 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.
- Member of appellate team that defended, in partnership with State Attorney General's Office, two State laws regulating pharmacy benefit 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.
- Helped obtain rare interlocutory appellate review of class certification in the U.S. Court of Appeals for the Ninth Circuit on behalf of prominent purveyor of shipping supplies.
- 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.

Other Representative Matters

- Represented leading electronics manufacturer in trademark-infringement litigation.
- Represented leading clothing brand-owner in false advertising litigation through trial and post-trial proceedings.

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- Represented manufacturer of sophisticated medical testing assay in false advertising litigation through case-dispositive motion practice, trial, post-trial, and appellate proceedings.
- 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, 2023–2024

News

- 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)