



Kevin J. Culligan

Partner

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Industries

Life Sciences

Technology

Practice Areas

Intellectual Property

Antitrust & Trade
Regulation

Health Care

IP Litigation

Life Sciences IP

Medical Technology

Bar Memberships

New York

Kevin focuses his practice at the firm on the litigation, trial, arbitration, and appeal of intellectual property matters, concentrating primarily on patent, trade secret and unfair competition cases involving pharmaceuticals, biosimilars, biotechnology, medical devices and technology, vision care, computer and internet-related technologies, and financial services technology. With more than 45 years of experience, he also has extensive patent, trade secret, know-how and trademark licensing experience, and counsels and represents clients in connection with IP strategy issues, joint development agreements and disputes, collaboration and license agreements and related disputes, supply agreements, IP transactions, PTAB proceedings, and antitrust issues associated with the licensing and assertion of patents.

Clients and peers recognize Kevin internationally as a leading practitioner. LMG named Kevin a "Life Sciences Star" in 2019, 2020, 2021, 2022, 2023, 2024, 2025, and again in 2026 in the categories of General Patent Litigation, Patent Strategy & Management, and Hatch-Waxman Patent Litigation. Managing Intellectual Property identified Kevin as a National and New York "IP Star" every year since 2020. Best Lawyers has included Kevin in the categories of Litigation: Intellectual Property and Litigation: Patent every year since 2005. Super Lawyers has identified Kevin as a "Top Rated Intellectual Property Litigation Attorney" in New York for many years since 2006. LMG named Kevin to its "Best of the Best USA Patent Litigators" in 2014 and 2016, and in 2014 identified Kevin as one of the 30 Best Patent Litigators in the World in its "Best of the Best Patent Litigators Worldwide."

Other Info About Kevin

Experience

Successfully represented a major pharmaceutical company in an international arbitration of a dispute about the duration of royalty payments owed by a licensee.

Represented Swiss and German affiliates of Merck KGaA in an action filed in Delaware seeking (1) a declaration that the royalty provisions of a license agreement are illegal and unenforceable because they do not provide for a “step-down” of royalties on sales of a therapeutic antibody upon expiration of the licensed patents, and (2) reformation of the agreement to provide for an appropriate royalty reduction, while defending clients against counterclaims that include a claim to correct inventorship of the client’s patent covering the licensed oncology product.

Successfully defended a leading multinational high technology company in patent infringement actions commenced in Delaware and California in which the plaintiff claimed the company infringed patents directed to online, bi-directional transactions in real time.

Successful defense of a subsidiary of a leading banking association and payments company in an action commenced in New Jersey for alleged breach of contract, business torts and fraud, and for alleged civil RICO violations and violations of the antitrust laws.

Successful defense of a multinational banking and financial services company in a patent infringement action in which the plaintiff claimed that three patents posed a fundamental challenge to the company’s ability to provide its clients and customers with online banking services that enable bi-directional transactions in real time.

Defended Bank of America’s and Merrill Lynch’s mobile banking services and smart phone applications in a complex Multi-District Litigation in which the plaintiff alleged infringement of four patents.

Defended Bank of America in a patent infringement action in which the plaintiff alleged that Bank of America employs infringing methods and systems that enable clients and customers to

transmit secure messages across insecure networks.

Defended Teva in a patent infringement action commenced by Pfizer under the Hatch–Waxman Act in response to Teva’s challenge of the patent that Pfizer listed in the “Orange Book” to protect VIAGRA®, Pfizer’s drug for the treatment of erectile dysfunction.

Defended Teva in an action for patent infringement filed by Novartis under the Hatch–Waxman Act in response to Teva’s filing of an ANDA seeking approval to market a generic version of Novartis’s drug TOBI®.

Represented Merck KGaA in an international arbitration proceeding against ImClone in which Merck obtained indemnification for losses associated with breaches of provisions in a patent license and development agreement that relates, among other things, to therapeutic compositions that combine EGF receptor–targeting monoclonal antibodies and anti–neoplastic agents for the treatment of cancer.

Education

Cornell Law School, J.D., 1980

Colgate University, A.B., Biology, 1976

Courts

U.S. Supreme Court

U.S. Court of Appeals: Third Circuit, Ninth Circuit, Federal Circuit

U.S. District Court: New York (Eastern, Southern, Western)

Recognition

Euromoney LMG Life Sciences Guide, Life Sciences Star – General Patent Litigation, Patent Strategy & Management; Hatch–Waxman Patent Litigation, 2019–2026

Managing IP, Patent Law Experts, U.S. and New York “IP Star,” 2020–2026

The Best Lawyers in America® – Litigation – Intellectual Property, 2011–2027; Litigation – Patent, 2011–2027

Super Lawyers, New York – Top-50, Intellectual Property, Intellectual Property Litigation and Appellate, 2006–2025

Euromoney Institutional Investor named Kevin to the list of “Leading Patent Litigators in the U.S.,” 2012 and 2014; “Best of the Best USA”, 2014 and 2016; “Best of the Best Patent Litigators Worldwide,” 2014

Professional Affiliations

American Bar Association (ABA)

American Intellectual Property Law Association (AIPLA)

New York City Bar Association

Federal Circuit Bar Association

New York Intellectual Property Law Association (NYIPLA)

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