



## Keith J. Grady

### Partner

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Keith Grady relies on more than 30 years of government and private-practice experience to develop, enforce, and defend clients' intellectual property.

Clients appreciate Keith's strategic ongoing counsel as well as his valuable litigation experience. He has served as first chair in all phases of intellectual property litigation, appearing in hundreds of cases in courts nationwide to represent clients in preliminary injunction hearings, claim construction hearings, summary judgment hearings, and jury trials. He also has presented arguments at the U.S. Court of Appeals for the Federal Circuit.

Keith represents publicly traded companies and major manufacturers in patent litigation in a variety of technological industries, including chemical, pharmaceutical, nutritional supplement, software, medical device, and mechanical devices. He also regularly represents clients in litigation involving technology-related disputes, trademarks, trade secrets, unfair competition, internet domain names, and trade dress. He frequently writes and speaks on topics including Hatch-Waxman litigation, patent litigation, trademark litigation, and copyright issues.

Ranked in Chambers USA in the area of Intellectual Property (Missouri), Keith is described as "excellent" – "a solid attorney with a loyal client base."

Before he entered private practice, Keith was an Assistant Attorney General for the State of Missouri, a Staff Attorney for the U.S. Court of Appeals for the Fifth and Eighth Circuits, a law clerk for Judge Charles A. Shaw and Judge George F. Gunn of the U.S. District Court, Eastern District of Missouri, and a law clerk for Judge R.A. (Jim) Randall of the Minnesota Court of Appeals. His invaluable background with trial and appellate courts gives Keith particular insight into their decision-making process.

### Education

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- Hamline University School of Law (J.D., cum laude, 1988)
- Tulane University (B.A., 1980)

### State Admissions

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- Missouri, 1995
- Minnesota, 1988

### Federal Admissions

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- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Eighth Circuit
- United States Court of Appeals, Federal Circuit
- United States District Court, Central District of Illinois
- United States District Court, Northern District of Illinois
- United States District Court, District of Kansas
- United States District Court, Eastern District of Missouri
- United States District Court, Western District of Missouri
- United States District Court, Northern District of Texas
- United States District Court, Eastern District of Wisconsin

### Service Areas

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- Intellectual Property
- IP Litigation
- Patent Litigation
- Trademarks
- Copyright Law
- Trade Secret Litigation
- Health & Life Sciences

## Experience

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- Representing a fitness equipment manufacturer in patent litigation involving bicycle training equipment in the United States District Court for the Northern District of Georgia
- Successfully defended a product distributor in a design patent infringement claim filed with the U.S. International Trade Commission and the U.S. District Court for the District of Colorado; the ITC case was dismissed upon the discovery of evidence of invalidity
- Successfully defended a pet grooming tool manufacturer in patent litigation involving two patents related to pet grooming tools in the United States District Court for the Eastern District of Missouri; the case settled on favorable terms
- Successfully represented a patent holder in an infringement action filed in the United States District Court for the Northern District of California related to patents that involve abbreviated dialing code technology; the case settled on favorable terms
- Successfully represented a health care products company in a claim for alleged infringement of a patent related to carbon dioxide absorbers for use with anesthesia machines; the court granted summary judgment of non-infringement
- Successfully defended a pet grooming tool manufacturer in patent litigation involving two patents related to pet grooming tools in the United States District Court for the Eastern District of Missouri; the case settled on favorable terms
- Successfully defended a concrete shaving company in a patent infringement action filed in the United States District Court for the Eastern District of Missouri; the case settled after successfully obtaining reexamination of the asserted patent
- Successfully defended an electronic stock exchange in a patent infringement action originally filed in the United States District Court for the Eastern District of Texas; succeeded in obtaining a mandamus petition to have the case transferred to the Southern District of New York, prevailed on the claim construction arguments, and won a summary judgment ruling of non-infringement; the Federal Circuit affirmed the judgment
- Successfully defended a bank in a patent infringement action pending in the United States District Court for the Northern District of Illinois; the patent involved systems and methods for limiting spending via corporate credit cards and allowance cards; the court invalidated the patent on summary judgment
- Successfully defended a nutritional supplement company in a declaratory judgment action involving allegations of patent and trademark infringement related to three patents; obtained a favorable claim construction ruling following Markman briefing; case settled on favorable terms
- Involved in defending a medical equipment manufacturer in a two-week jury trial and one-day court trial that involved, among other things, a claim for assignment of a number of patents related to medical devices; in a published opinion, the district court refused to assign the patents
- Successfully defended a natural resources extraction, environmental restoration, and industrial application company in a \$31-million breach of contract claim brought by its distributor involving a technology license agreement related to patented disinfectant product for hospital use
- Successfully represented a patent holder in an infringement action filed in the U.S. District Court for the Eastern District of Missouri; the patent involved technology related to a variable speed

controller for an electric motor; the case settled on favorable terms following a claim construction hearing

## **Publications & Events**

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### **SPEAKING ENGAGEMENTS**

- “2020 Federal Circuit Year in Review,” The Bar Association of Metropolitan St. Louis (February 2021)
- “Federal Circuit Year in Review,” Bar Association of Metropolitan St. Louis (March 2019)
- “Markman Hearings and Your IP Patent Claim: Litigation Strategies You Should Know” (August 2018)
- “Claim Construction and Markman Hearings Strategies in a Post AIA Landscape” (June 2017)
- “Sweeping Developments in Patent Reform Agenda: The Innovation Act and the PATENT Act – A 2015 Perspective” (July 2015)

### **PUBLICATIONS**

- “Hot Topics in Patent Litigation,” *IP Watchdog* (October 2017)
- “[Supreme Court Patent Ruling: What Lies Ahead](#),” *The National Law Review* (May 2017)
- “[Supreme Court Decision Alters Patent Defense Landscape](#),” *The National Law Review* (March 2017)
- “[Supreme Court May Overturn 25-Year Precedent on Forum Shopping](#),” *The National Law Review* (December 2016)
- “[Supreme Court Loosens Standard for Willful Infringement/Enhanced Damages](#),” *The National Law Review* (June 2016)
- “[Federal Circuit Rejects Attempt to Limit Venue in Patent Cases](#),” *The National Law Review* (May 2016)

## **Honors**

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- Chambers USA
  - » Intellectual Property (Missouri) (2012-2021)
- The Best Lawyers in America® (2012-2022)
  - » 2022 St. Louis Lawyer of the Year (Litigation – Intellectual Property)
- Missouri & Kansas Super Lawyers® (2012-2020)
- IP STARS (2014-2020)
  - » Patent Star
  - » Trade Mark Star

### **In the Community**

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- American Bar Association
- American Intellectual Property Law Association
- Bar Association of Metropolitan St. Louis
  - » Steering Committee Member
  - » Patent, Trademark & Copyright Section
- Friends of the Sheldon Concert Hall, Board Member
- Missouri Coalition for the Right to Counsel, Volunteer Attorney