Kate Swisher

Of Counsel

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New York



Kate Swisher is Of Counsel in the New York office of Gibson Dunn. She is a member of the firm's Antitrust and Competition and Litigation Practice Groups.

Kate's practice focuses on complex antitrust litigation, and she regularly defends leading global pharmaceutical companies against federal and state antitrust and federal RICO (Racketeer Influenced and Corrupt Organizations Act) claims. Kate has experience in complex, "bet the company" class action matters on the cutting edge of antitrust and intellectual property. She has significant experience at all stages of litigation, including motions to dismiss, motions to certify a class, motions for summary judgment, expert witness preparation, class action settlements, trial prep, and appeals.

She has an extensive pro bono practice, and has represented clients in intellectual property disputes and criminal appeals. Kate has significant experience in family law, representing low-income clients in state family and matrimonial law cases. She has presented winning oral argument before the New York Supreme Court Appellate Division – Second Department.

Kate has been recognized by *Best Lawyers in America©:* "Ones to Watch" for Litigation – Antitrust and Intellectual Property (2024-2026). Before joining Gibson Dunn, Kate was a senior associate in the Antitrust group of another major international law firm.

Recent representations include:*

- Representing a major biotech company in an antitrust action filed by a competitor alleging monopolization of the market for certain cholesterol reducing medications through the use of bundled discounts (ongoing).
- In re Xyrem Antitrust Litigation – Represented Hikma Pharmaceuticals against so-called "reverse payment" allegations relating to Jazz Pharmaceuticals' landmark narcolepsy treatment, Xyrem.
- In re Humira Antitrust Litigation – Represented biosimilar manufacturer Samsung Bioepis in Seventh Circuit appeal of antitrust case relating to the blockbuster drug Humira, which unanimously affirmed dismissal of the complaint.
- KPH v. Mylan – Won dismissal on the pleadings in the District of Kansas of all claims against Pfizer in antitrust class action relating to life-saving device EpiPen.
- In re Exhaustless – Represented a group of 12 airlines and led a joint defense group of 23 defendants against pro se plaintiff who alleged violations of federal and state antitrust law, as well as the federal RICO statute and the U.S. Constitution. Won dismissal of all claims on a motion to strike.
- In re IV Saline Antitrust Litigation - Defended Hospira in federal class action antitrust litigation, where the company was accused of fixing the price and creating an artificial shortage of IV saline solution. Secured defense victory on two motions

Capabilities

Antitrust and Competition
Class Actions
Litigation

Credentials

Education

Northwestern University - 2015 Juris Doctor
Yale University - 2009 Bachelor of Arts

Admissions

New York Bar

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to dismiss.

- Represented Pfizer, Inc. in multiple class action antitrust litigations challenging alleged “reverse payment” patent settlements and/or conduct in procuring patents in connection with the blockbuster products Lipitor, Effexor XR, and Celebrex.

*includes matters handled prior to joining Gibson Dunn.

Kate is an active member of the Antitrust Section of the American Bar Association, and was recently a featured guest on the section’s podcast, *Our Curious Amalgam*, in an episode entitled “What’s Wrong With Having Lots of Patents? Patent Thickets and Antitrust Law.”

She received her Juris Doctor in 2015 from Northwestern University School of Law, where she served as an articles editor for the Journal of Criminal Law and Criminology.

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