

Kristen C. Buteau

Department Chair, Intellectual
Property



T (617) 248-5209
kbuteau@choate.com

Practice Areas

Patent Prosecution
IP Strategies
Life Sciences

Education

Suffolk University Law School
JD (2010) Intellectual Property, *magna cum laude, with distinction*

Northeastern University
MS (2005) Chemistry

Boston University
BA (2000) Chemistry

Admissions

Massachusetts
U.S. Patent & Trademark Office

Kristen Buteau, Chair of Choate's Intellectual Property Department, counsels clients on protection strategies for small molecule therapeutics and other chemistry-related technologies and therapeutics. Her clients – comprised largely of pharmaceutical and biotech companies – benefit from her years of experience as a medicinal and process chemist in the Boston-area pharmaceutical industry. Working alongside scientists and/or in-house legal teams, she assists pharmaceutical and biotech companies in the strategic development of patent portfolios and product lifecycle management for clinical stage small molecules and related technologies.

Kristen advises clients in all areas of drug discovery, from proof-of-concept through drug design, development, and product launch. She manages global patent portfolios for sophisticated pharmaceutical companies, while also facilitating investment acquisitions, financing, and licensing through IP due diligence and freedom-to-operate analyses. Her clients also look to her for advice on the Orange Book listability of patents, regulatory exclusivity estimates and timelines, and patent term extension applications.

Representative Engagements

- Advises clients on worldwide portfolio management and filing strategies.
- Develops lifecycle management strategies for clinical stage small molecule therapeutics.
- Counsels start-up clients on developing IP strategies and portfolio creation.
- Represents clients in the preparation and prosecution of patent applications directed to treatment of oncology and autoimmune diseases, with a particular focus on kinase inhibitors.
- Assists clients in determining inventorship of patents/applications.
- Conducts freedom-to-operate and competitive landscape analyses.
- Prepares applications for Hatch-Waxman patent term extensions and advises clients on regulatory exclusivity and Orange Book listing strategies.
- Conducts pre-litigation analyses of Orange Book-listable (or listed) patent estates.
- Provides invalidity/non-infringement opinions.
- Represents clients in IP due diligence in support of initial public offerings and follow-on offerings.

- Developed IP protection strategies for a venture-backed company focused on disease-modifying therapeutics for treating neurological diseases by preventing axonal degeneration.
- Conducted IP due diligence in support of Tesaro’s in-licensing and prosecution of a patent estate protecting rolapitant, a novel NK1 antagonist now approved for the treatment and prevention of delayed nausea and vomiting associated with repeated courses of emetogenic cancer chemotherapy.
- Represented Disarm Therapeutics in IP due diligence in support of its \$135M acquisition by Eli Lilly and Co.
- Represented Tesaro during IP due diligence in support of its \$87 million initial public offering.
- Represented Tesaro in several rounds of follow-on financing, totaling more than \$400 million.
- Represented Celgene Corporation in IP due diligence in support of its \$1.1 billion acquisition of Impact Biomedicines.
- Represented Angion Biomedica Corp. during IP due diligence in support of its \$117 million initial public offering.
- Represented Angion Biomedica Corp. during IP due diligence in support of its reverse merger with Elicio Therapeutics.
- Represented BioNTech in IP due diligence in support of its acquisition of AexeRNA Therapeutics.
- Represented Bain Capital Life Sciences in IP due diligence in support of its Series B financing in Alkeus Pharmaceuticals, Inc.
- **Momenta v. Amphastar et al., D. Mass.:** Represented Momenta Pharmaceuticals in a patent infringement action relating to innovative methods of processing therapeutic polysaccharides.
- **Children’s Medical Center Corporation v. Celgene Corporation, D. Mass.:** Represented Celgene Corporation in a breach of contract litigation regarding exclusive license agreement related to Revlimid and Pomalyst.

Publications and Presentations

- “Exploring the Inflation Reduction Act (IRA): Is it Patent Reform?,” moderator, Consero IP Forum for Life Sciences, December 2023
- “Mastering the Art of ‘Tooting Your Own Horn’: Valuable Tools for Self-Marketing as a Woman in the Life Sciences Industry and Being Your Own Best Advocate,” panelist, ACI Women Leaders in Life Sciences Law Virtual Conference, November 2020
- “Raising the Stakes in Patent Cases,” panelist, BIO IPCC Fall Conference, November 2018
- “The design, synthesis and structure-activity relationships of novel isoindoline-based histone deacetylase inhibitors,” co-author, *Bioorganic & Medicinal Chemistry Letters*
- “Deuterated Drugs: Unexpectedly Nonobvious?,” author, *Journal of High Technology Law*

Professional and Community Involvement

- Member, American Chemical Society
- Member, Boston Patent Law Association

Recognition

- *The Legal 500* (2022-2024)
- *Massachusetts Super Lawyers: "Rising Star"* (2017 – 2020)
- *Best Lawyers in America: "Ones to Watch"* (2021-2025)
- *Massachusetts Super Lawyers* (2023)
- A World's Leading Patent Practitioner by *IAM Patent 1000* (2024)
- Honors Recipient, Massachusetts Supreme Judicial Court Pro Bono Honor Roll (2023)