




Kelly Allenspach Del Dotto

Principal

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Overview

About Kelly

Kelly Allenspach Del Dotto is a principal in the Delaware office of Fish & Richardson P.C. Her practice focuses on complex patent litigation, with an emphasis on life sciences, biotechnology, and pharmaceutical litigation, including Hatch-Waxman litigation. Kelly has worked on a variety of technologies, including, for example, pharmaceutical formulations, DNA sequencing technology, and nucleosides. She has experience in all phases of litigation, including pre-filing due diligence, document collection and production, fact and expert discovery, depositions, discovery hearings, claim construction hearings, and trial.

Since becoming a member of the Delaware bar, Kelly has engaged in pro bono, representing petitioners filing protection from abuse (PFA), and parents seeking guardianship or custody of their children. Kelly has also volunteered through Delaware's federal civil panel. Kelly also volunteers in her spare time through the Junior League of Wilmington.

Prior to joining Fish, Kelly was an intellectual property litigation associate for another firm where her practice focused on patent infringement cases. She continues to serve as a volunteer attorney for the Delaware Volunteer Legal Services.

Focus Areas

Services

- Litigation
- Hatch-Waxman
- Patent Litigation

Industries

- Life Sciences
- Medical Devices

Education

J.D., Pennsylvania State University, Dickinson School of Law (2013) Senior Editor, *Penn State Law Review*; Penn State National Appellate Advocacy Team; Woolsack Honor Society; M. Vashti Burr Memorial Award; D. Arthur Magaziner Human Service Award; Gwilym A. Price Jr. Memorial scholarship

B.A. *summa cum laude*, English, Norwich University (2010)

B.S. *summa cum laude*, Biology, Norwich University (2010)

Experience

- *Sanofi-Aventis US LLC et al. v. Merck Sharp & Dohme Corp.* (Lantus, D.Del., trial)
- *Idenix Pharmaceuticals Inc. et al. v. Gilead Sciences Inc. et al.* (Sovaldi/Harvoni, D.Del., trial)
- *Gilead Sciences, Inc. v. Merck & Co, Inc. et al.* (Sovaldi/Harvoni, N.D.Cal., trial)

Insights

Publications

- “Regulatory Q&A: U.S. Patent Law and The Orange Book,” *The Pharma Letter* (June 30, 2022)
- “*Regenxbio v. Sarepta*: Make Sure You’re Safely Within the Safe Harbor Before Using a ‘Research Tool,’” *IP Litigator* (March/April 2022)
- “Stays Pending IPR In Del. District Courts Are Here To Stay,” *Law360* (March 12, 2022)
- “Orange Book 101,” *Fish IP Law Essentials Blog* (March 9, 2022)
- “*REGENXBIO v. Sarepta*: Make Sure You’re Safely Within the Safe Harbor Before Using a ‘Research Tool,’” *Fish Litigation Blog* (January 19, 2022)

Speaking Engagements

- “Exploring Common Pitfalls of Privilege,” *Fish Webinar* (July 20, 2022)
- “Viewing the Orange Book Under a Microscope: The Regulatory Framework & its Implications for Branded Drug Makers,” *Fish Life Sciences Webinar* (April 14, 2022)
- “The Impact of Patent Term Extension on Litigation Under the Hatch-Waxman Act: A Look at the Federal Circuit’s Recent Decision in *Biogen v. Banner Life Scis.*,” *Fish Life Sciences Webinar* (August 2020)

Media Mentions

- “Patent Venue Still ‘Unsettled’ Five Years After TC Heartland,” *Managing IP* (June 5, 2022)

Recognition

- “Woman Worth Watching in STEM,” *Profiles in Diversity Journal* (2022)
- Named to the “Best Lawyers: Ones to Watch” list by *The Best Lawyers in America*© (2021-2023)
- Recognized as a “Rising Star” in the U.S. by *Managing Intellectual Property* (MIP) magazine (2018-2019)

Memberships & Affiliations

Delaware Volunteer Legal Services, pro bono

Federal Civil Panel, pro bono

Wilmington Junior League, volunteer