

David C. Kiernan

Senior Counsel

David Kiernan has extensive experience litigating a wide variety of intellectual property, commercial, product liability and personal injury cases in state and federal trial courts. He has tried numerous serious products liability cases, medical malpractice cases, commercial cases, and patent cases. He has also handled several significant *Daubert* type evidentiary hearings, declaratory judgment actions, and arbitrations.

Mr. Kiernan was born in Red Bank, New Jersey and grew up in Essex Fells, New Jersey and Miami, Florida. He received his B.A., *magna cum laude*, from Duke University in 1980 and five years later both his J.D. and M.D. in a joint degree program at Duke's School of Law and School of Medicine. Mr. Kiernan, who is a Fellow in the American College of Legal Medicine, spent a year of general surgery training at Georgetown Hospital in Washington, D.C. before joining Williams & Connolly in 1986.

Representative Experience

- **Intellectual Property:** *Mirowski Family Ventures, LLC v. Boston Scientific Corp.* (implantable defibrillators); *Max Planck v. Whitehead Institute* (RNA interference); *Medimmune v. Genentech* (recombinant antibodies); *Stanford Litton v. Tyco* (optical couplers); *Freedom Wireless v. Boston Communications* (prepaid wireless); *Sensormatic Electronics v. TAG Company* (electronic article surveillance); *Xoma v. Biosite* (recombinant antibodies); *TFD v. Thomas & Betts* (metallized particle interconnect); *Sobstad v. North Sails* (sail design).
- **Products Liability:** National Coordinating and trial counsel for Merck in connection with Vioxx litigation; Bayer in connection with Baycol litigation; American Home Products in fen-phen litigation; and General Electric in various product cases.
- **Commercial:** *Dynegy v. Telstra* (breach of contract); *Kirson v. Bay Area Health Care* (contract); *Capobianci v. Foster* (contract).
- **Medical Malpractice:** Lead trial counsel in numerous medical malpractice cases for Georgetown University Medical Center, George Washington University, Columbia Hospital for Women, Children's National Medical Center, e.g., *Iacangelo v. Georgetown University* (D.D.C., January 2011).



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Education

Duke University School of Law, J.D.,
1985
Duke University, M.D., 1985
Duke University, B.A., magna cum
laude, 1980

Practice Focus

Civil Litigation and Trial Practice
Commercial Litigation
Patent Litigation
Products Liability, Torts, and Medicine
Health Care Fraud

Recognitions

Fellow, American College of Legal
Medicine

"Outstanding IP Litigator" for
Washington, D.C., *Managing IP*, 2015

Admissions

Virginia, District of Columbia, and
Maryland
United States Patent and Trademark
Office