

# Jessamyn S. Berniker

## Partner

Jessamyn Berniker has spent nearly two decades focusing on patent litigation and licensing disputes. She has extensive experience in patent litigation and licensing dispute matters in the pharmaceutical, biotechnology, electronic, mechanical, digital media, and medical device industries. In conjunction with her pharmaceutical practice, Jessamyn has served as counsel to companies such as AstraZeneca, Pfizer, Merck, Alcon (now part of Novartis), Takeda, and Bayer. As part of her biotechnology practice, Jessamyn has served as counsel to companies such as MedImmune, Genentech and ACell.

*The National Law Journal* has selected Jessamyn as one of the 40 “most accomplished young attorneys in the D.C. area.” She has been recognized in the 2018-2019 editions of *IAM Patent 1000, the World’s Leading Patent Practitioners*. The 2018 edition praises her as a “biotech star” who “can carry the day in other types of disputes too.” *Benchmark Litigation* has named Jessamyn to its 2017 “Under 40 Hot List.” *Managing Intellectual Property* has recognized Jessamyn as one of the global “IP STARS - Top 250 Women in IP” from 2013 to 2017. *LMG Life Sciences* recognized Jessamyn as a “Life Science Star” in the area of patent litigation from 2012 to 2018.

Jessamyn has served as the Co-Chair of the Pharma Litigation subcommittee for the ABA Intellectual Property Law Patent Litigation Committee for a number of years. She regularly serves on the faculty of the ALLI course *Trial of a Patent Case*.

Jessamyn serves on the advisory board of the Center for WorkLife Law at the UC Hastings College of Law, a research and advocacy organization that seeks to advance gender and racial equity in the workplace and in higher education.

Jessamyn is a former clerk at the U.S. Court of Appeals for the Federal Circuit. She has argued before the Federal Circuit and has participated in nine district court trials and arbitration hearings.

Born in Los Angeles and raised in Washington State, Jessamyn received her B.S. in chemistry, *magna cum laude*, from Pacific Lutheran University in 1998, and her J.D., *cum laude*, from Harvard Law School. During college and prior to law school she spent several months conducting organic chemistry research at Argonne National Laboratory just outside of Chicago. After law school, Jessamyn was a law clerk to Judge Arthur J. Gajarsa of the Court of Appeals for the Federal Circuit. She joined Williams & Connolly in 2002. Jessamyn is proficient in French.



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## Education

Harvard Law School, J.D., cum laude, 2001  
Pacific Lutheran University, B.S. and B.A., magna cum laude, 1998

## Practice Focus

Lawyer Liability  
Patent Litigation

## Recognitions

“Leading Patent Litigation Attorney,” *IAM Patent 1000*, 2018-2019

“40 & Under Hot List,” *Benchmark Litigation*, 2017-2019

“IP Star,” *Managing Intellectual Property*, 2018-2019

“Life Science Star,” *LMG Life Sciences*, 2012-2018

Client Service All-Star for Patent Litigation, *BTI Consulting*, 2018

“IP STARS - Top 250 Women in IP,” *Managing IP*, 2013-2017

She is a long-time member of the 18th Street Singers, a Washington-based choir that performs regularly at the Kennedy Center. She has performed with Hugh Jackman and Demi Lovato.

## Representative Experience

Though all cases vary and none is predictive, Jessamyn's experience includes:

- Served as lead counsel for MedImmune in a case brought by UCB BioPharma. UCB sought damages from MedImmune, alleging that MedImmune's Synagis® product infringed one of its patents. UCB elected to dismiss the case with prejudice.
- Represented Petroleum GeoServices in IPR proceedings and at the Federal Circuit against WesternGeco relating to patents directed to seismic surveying technology. Argued successfully before the PTAB that three patents asserted by WesternGeco against Petroleum GeoServices were invalid. The asserted patents previously were the subject of a district court judgment of validity and damages of over \$100,000,000 against Petroleum GeoServices' supplier. Also obtained a Federal Circuit reversal from a PTAB decision invalidating a key PGS patent claim.
- Represents AstraZeneca in litigation brought by Bristol-Myers Squibb in the District of Delaware relating to AstraZeneca's cancer immunotherapy product Imfinzi®.
- Represented Pfizer in the District of Delaware in a Hatch-Waxman patent matter relating to the anti-cancer agent, Sutent®. Sutent® sells more than \$1 billion worldwide annually. It is the most prescribed oral metastatic renal cell carcinoma (advanced kidney cancer) product in the United States. The District of Delaware Court ruled in Pfizer's favor, and the Court of Appeals for the Federal Circuit affirmed the decision on appeal.
- Represented Nektar Therapeutics and AstraZeneca in responding to a petition for Inter Partes Review filed by Neptune Generics relating to a patent concerning AstraZeneca's Movantik® product. Successfully obtained a ruling from the PTAB denying institution on all claims.
- Represented MedImmune in a dispute against PDL BioPharma in which MedImmune won summary judgment invalidating a key biotechnology patent (the "Queen patent") held by PDL and further obtained a \$92.5 million settlement from PDL.
- Represented MedImmune in a dispute with Genentech where MedImmune sought to invalidate a Genentech patent (the "Cabilly

"Washington, D.C. Rising Stars," *The National Law Journal*, 2017

## Admissions

District of Columbia, Massachusetts  
and New York  
United States Court of Appeals  
Federal Circuit  
United States District Court for the  
District of Maryland, District of  
Massachusetts and Southern  
District of New York  
United States Patent and Trademark  
Office

patent”) relating to synthesis of genetically-engineered antibodies. The case settled prior to trial.

- Represented ACell in the Northern District of Indiana and the Federal Circuit regarding extracellular matrix technology used to repair and remodel damaged tissues and organs. ACell prevailed on all claims that were asserted against it.

## Resources

### Publications

- *Ten Lessons for Patent Prosecutors from Litigation*, April 2017
- *Licensing Tips from a Patent Litigator*, February 2017
- *Legal Implications of Discrimination in Medical Practice*, March 2000

### Presentations

- *Jessamyn Berniker Speaks at ACI Paragraph IV Disputes Master Symposium*, October 2018
- *Jessamyn Berniker Presents at ACI's Paragraph IV Disputes Master Symposium*, October 2017
- *We Didn't Agree to That! Legal Developments Affecting your Patent-Related Transactions*, April 2016