



American Intellectual Property Law Association

June 15, 2021

The Honorable Richard J. Durbin
Chair
Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles L. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Tiffany P. Cunningham to the United States Court of Appeals for the Federal Circuit

Dear Chair Durbin and Ranking Member Grassley:

The American Intellectual Property Law Association (AIPLA) is pleased to submit this letter in response to President Biden's nomination of Tiffany P. Cunningham as Circuit Judge on the United States Court of Appeals for the Federal Circuit. AIPLA believes that Ms. Cunningham's background and professional experience demonstrate that she is qualified to serve in that position, and that she would make an excellent addition to the Federal Circuit.

Founded in 1897, the American Intellectual Property Law Association is a national bar association of approximately 8,500 members who are primarily engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping establish and maintain fair and effective laws and policies that stimulate and reward invention while balancing the public's interest in healthy competition, reasonable costs, and basic fairness. As the court with exclusive jurisdiction over patent infringement actions and appeals from the USPTO, the U.S. Court of Appeals for the Federal Circuit is of keen interest to our members.

AIPLA is acquainted with Ms. Cunningham and her extensive patent-related background. Ms. Cunningham is registered to practice before the U.S. Patent & Trademark Office and has spent the bulk of her career representing clients in patent-related disputes. Ms. Cunningham has also devoted substantial time to representing clients *pro bono*. After receiving her degree in Chemical Engineering from the Massachusetts Institute of Technology, where she earned membership in Phi Beta Kappa and Tau Beta Pi, Ms. Cunningham then earned her J.D. from Harvard Law School. After law school, she served as a law clerk to the Honorable Timothy B. Dyk of the U.S. Court of Appeals for the Federal Circuit. We believe her experience as a judicial clerk at the Federal Circuit and in private practice make her well suited to serve with distinction as a Circuit Judge on the Federal Circuit.

Ms. Cunningham spent the last 18 years in private practice in Chicago; the first 11 years as an associate and then partner at Kirkland & Ellis LLP followed by the last 7 years as a partner at Perkins Coie LLP, where she is currently a member of the Firmwide Executive Committee. As

highlights of her practice, she has represented clients in all phases of patent litigation including district court trials and appeals to the Federal Circuit and across a variety of technologies: from biotech and pharma disputes and ANDA litigation over health care patents, anti-viral drugs, and immunoglobulin production; computer science related disputes over streaming and network security as well as navigation systems and telematics; and more traditional mechanical and chemical technologies.

Ms. Cunningham has been a member of many professional associations, including the Chicago Bar Association, ChIPs (Chiefs in Intellectual Property), the Federal Circuit Bar Association, the National Bar Association, and the Richard Linn Inn of Court. She received well-deserved recognition in *The Best Lawyers in America 2021: Patent Litigation*. She was named to the Illinois “Rising Stars” list for 2013 to 2015 and to the Illinois “Super Lawyers” list for 2016 to 2021 by Super Lawyers. She was recognized by *Crain’s Chicago Business* as one of Chicago’s Notable Women in Law in 2020 and as one of Chicago’s Notable Minority Lawyers in 2018, named to the *Lawyers of Color’s Nation’s Best List* in 2019, and recognized as one of the Most Powerful and Influential Women in Illinois by the National Diversity Council in 2010.

Ms. Cunningham has demonstrated high intellect, excellent legal skills, collegiality, and professional integrity. For all of these reasons, AIPLA enthusiastically endorses Ms. Cunningham as qualified to serve as a Circuit Judge on the United States Court of Appeals for the Federal Circuit. We urge you to move forward with her nomination. Thank you in advance for your consideration of these views.

Sincerely,



Joseph R. Re

President

American Intellectual Property Law Association