



# Tiffany Cunningham

On April 19, 2021, President Joe Biden nominated Tiffany Cunningham to the U.S. Court of Appeals for the Federal Circuit, and on July 19, 2021, the United States Senate confirmed her.. Upon her confirmation, Judge Cunningham became the first Black woman to ever serve on the patent-focused court. She also became only the fourth person of color to serve on the Federal Circuit, and just the second woman of color to do so.

## **Biography**

Judge Cunningham was born in Detroit, Michigan in 1976. She graduated with a bachelor's degree in chemical engineering from the Massachusetts Institute of Technology in 1998, where she earned membership in Phi Beta Kappa and Tau Beta Pi. She received a J.D. from Harvard Law School in 1998. After law school, she clerked for Judge Timothy Dyk on the Federal Circuit.

## **Confirmation and Judicial Service**

The United States Senate confirmed Judge Cunningham by a vote of 63-33. The Senate Judiciary Committee received many letters in support of her nomination to the Federal Circuit, including letters from the Institute for Intellectual Property & Social Justice and the law clerks who Judge Cunningham worked with during her clerkship.

Since joining the Federal Circuit in July 2021, Judge Cunningham has participated in several three-judge panels. In *Kyocera Senco Industrial Tools v. ITC*, the court overturned an import ban on certain power-nailer guns and remanded the case to the U.S. International Trade Commission (ITC) for more proceedings. The court found that the ITC made multiple mistakes in its earlier ruling, including allowing expert testimony from an engineer who did not have experience in power-nailer design and misconstruing some parts of the patent that was infringed.

## **Legal Experience**

In 2002, she joined the Chicago office of Kirkland & Ellis as an associate and was elevated to partner in 2007. During her twelve years at Kirkland, Judge Cunningham successfully represented BlackBerry in a [bid](#) to overturn a \$150 million jury verdict against the smart phone manufacturer in a patent dispute.

From 2014 to 2021, Judge Cunningham was a partner at Perkins Coie in the firm's patent litigation practice. In this role, Cunningham served as trial and

appellate counsel to individuals and corporations (including many Fortune 500 companies such as Amazon, General Motors, Intel, and Microsoft) in complex patent disputes. She also served on the firm's 17-member executive committee on patent litigation, overseeing the work of over 1,200 attorneys in 20 offices across the globe. Judge Cunningham's practice at both Perkins Coie and Kirkland & Ellis focused on biotechnology, computer science, chemical and mechanical engineering, and pharmaceuticals litigation. She has extensive experience in federal court, having argued before multiple district courts and the Federal Circuit. Judge Cunningham is also a registered patent attorney with the United States Patent and Trademark Office.

### ***Professional Activities and Accolades***

Judge Cunningham's deep knowledge of patent law and twenty years of experience as an intellectual property litigator earned her a unanimous rating of "Well Qualified" from the American Bar Association. Throughout her legal career, Judge Cunningham was consistently recognized by her peers as an exemplary attorney. She was listed in *The Best Lawyers in America 2021: Patent Litigation*, and was recognized by the *Super Lawyers* and *Leading Lawyers* publications for each of the last five years. In 2010, she was named one of the *Most Powerful and Influential Women* in the state of Illinois by the National Diversity Council.