

## Brenda Herschbach Jarrell, PhD

Chair, Life Sciences



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### Practice Areas

Intellectual Property Protection  
Life Sciences  
IP Litigation  
Post Grant Proceedings

### Education

Harvard Law School  
JD (1998) *cum laude*

University of California at San Francisco  
PhD (1993) Biochemistry and Molecular Biology

Harvard University  
MA (1988) Chemistry, *magna cum laude*

Harvard University  
AB (1988) Chemistry, *magna cum laude*

### Admissions

Massachusetts  
U.S. Patent & Trademark Office

*“She is a phenomenal lawyer. She is creative, a deep thinker and clients really like her.” – Chambers USA*

Dr. Brenda Herschbach Jarrell, chair of Choate’s Life Sciences Group, is described by clients as an IP lawyer with keen business savvy. Her extensive technical credentials make her well-versed in a wide variety of technologies in the biotech, pharmaceutical, and specialty chemical industries. She represents companies and institutions at all stages of the life sciences business lifecycle, as well as those who invest in them, guiding IP protection and competitive positioning strategies, negotiating strategic transactions, and providing creative solutions to IP and technology-related challenges. Throughout her career, Brenda has advised multiple clients from Series A through their eventual IPOs.

As one of the foremost respected IP strategists in the country, Brenda is routinely awarded the recognition of “Attorney of the Year” by several respected rankings providers across a variety of categories.

Some of her clients include Adimab, Aleta Biotherapeutics, Angion Biomedica Corp., Apellis Pharmaceuticals, Atlas Venture, Base Genomic, Biogen, BioNTech, Casma Therapeutics, Celsius Therapeutics, Eirion Therapeutics, FogPharma, FORMA Therapeutics, Gilead, Ginkgo BioWorks, Kernal Biologics, LogicBio Therapeutics, Mereo BioPharma, Olema Pharmaceuticals, Progenics Pharmaceuticals, Regeneron Pharmaceuticals, ReNetX Bio, Scipher Medicine Corporation, Surge Therapeutics, Syros Pharmaceuticals, Third Rock Ventures, WAVE Life Sciences, and Venrock.

Brenda is a member of Choate’s Executive Committee.

### Representative Engagements

#### Patent Prosecution and Counseling

- Has represented **nucleic acid therapeutics company** from start-up through IPO and into clinical trials, crafting an IP portfolio with layered protection of both platform technologies and key product candidates, including in support of major collaborations.
- Works with a **start-up company** to navigate a complex small molecule patent landscape and develop an exclusivity proposition attractive to large pharmaceutical partners.
- Extensive experience representing clients in the **metabolic engineering space**, producing products ranging from specialty chemicals to pharmaceuticals to oils, including fuels.
- Develops **life-cycle management strategies** for various clients, large and small, to protect assets whose base composition of matter protection may be expiring before products can be commercialized.

- Represents various clients developing biologic therapeutics (both antibody-based and cellular), with particular focus on counseling with respect to freedom to operate while also securing strong protection, worldwide, for assets, including those whose major uses are likely to be in combination and/or in specialized patient populations.
- Helps coordinate worldwide protection and dispute strategy on behalf of client with ongoing matters, both offensive and defensive, in multiple jurisdictions.
- Assists **venture capital groups** in assessing intellectual property landscape relating to a novel strategy for tackling complex disorders, including negotiating option and license agreements, and partnerships with research laboratories around the world.

#### Patent Trial and Appeal Board Proceedings

- ***Progenics Pharmaceuticals, Inc. v. Max-Planck-Gesellschaft zur Förderung der Wissenschaften e. V., PTAB:*** Counsel for Progenics Pharmaceuticals, Inc. in a PGR proceeding challenging a patent directed to compounds for preparing <sup>18</sup>F-radiolabeled Prostate-Specific Membrane Antigen (PSMA)-targeting conjugates.
- ***Regeneron Pharm., Inc. v. Kymab Ltd., PTAB:*** Counsel for Regeneron in multiple IPR proceedings challenging patents directed to transgenic mice and methods of using transgenic mice.
- ***Guardant Health, Inc. v. Foundation Medicine, Inc., PTAB:*** Counsel for Foundation Medicine in IPR proceedings defending patents protecting innovative comprehensive genomic cancer assays using next generation sequencing.
- ***Hybrigenics SA v. FORMA Therapeutics, Inc., PTAB:*** Counsel for FORMA Therapeutics, Inc. in a PGR proceeding defending a patent protecting novel inhibitors of ubiquitin-specific protease 7 (USP7).

#### Publications and Presentations

- “Navigating the Shifting Tides of Pharma and Biotech Investments: Unraveling Market Dynamics and Strategic Insights for Success,” moderator, Life Sciences IP Due Diligence Summit, November 2023
- “Crafting and Implementing Your IP Game Plan,” moderator, Consero IP Life Sciences Executive Roundtable, March 2023
- “Collaborating With Academic Institutions To Drive Innovation,” moderator, Consero IP Virtual Forum for Life Sciences, December 2021
- Consero Group’s IP Executive Roundtable for Life Sciences, Conference Co-Chair, September 2021
- “To Pool, Pledge, or License – Allocating IP Rights during COVID-19 R&D,” moderator, BIO’s Biotech Intellectual Property Law in Focus webinar, September 2020
- Boston Bar Association Life Sciences Conference, Advisory Committee and Panelist, October 2019
- Consero Group’s IP Executive Roundtable for Life Sciences, Conference Co-Chair, March 2019
- “Tips from the Trenches: Demystifying Today’s Top Legal and Finance Challenges for Biotech Start-Ups,” panelist, LabCentral, February 2019
- “Principles of Drug Discovery and Development,” presenter, Harvard University, February 2019

- “Translational Biomedical Engineering,” presenter, Harvard Medical School, Boston, February 2019
- “The Best Things in Life are NOT Free: Assessing the Intricacies of Deal-Related IP Valuation,” moderator, ACI Life Sciences IP Due Diligence Summit, November 2018
- “The Current Situation of Life Sciences Patent Eligibility in Canada, US and Europe,” webinar panelist, Intellectual Property Institute of America, October 2018
- “Double Patenting and Divisional Practice after Gilead,” moderator, BIO IPCC Fall Conference
- “Quality of a Target’s IP Position,” speaker, CBI M&A Conference
- “A Year in Review: Key Cases in 2015 and 2016 Outlook,” moderator, Consero IP Forum for Pharmaceuticals and Biotechnology
- “Patents and Drug Discovery: Do They Help or Hurt?,” speaker, Harvard University
- “Research, Innovation, and Successful Commercialization,” speaker, Dartmouth Ventures Conference
- “Female Powerbrokers Q&A: Choate’s Brenda Jarrell,” featured, *IP Law360*
- “Patents 101,” presenter, Harvard Business School, Boston
- “Does Myriad Matter?” *moderator*, BIO IP Counsels Committee Fall Conference and Meeting
- “The Noneffect of Myriad on Personalized Medicine,” co-author, *IP Law360*
- “Formulating a Biosimilars Patent Strategy Following the Implementation of the FDA’s Approval Pathway,” speaker, American Conference Institute’s Advanced Forum on Biotech Patents, Boston
- “Will Prometheus & Myriad change the world? What do they really mean for the Biotechnology Industry?” *moderator*, BIO IP Counsels Committee Fall Conference and Meeting, Charleston, SC
- “Innovation Spotlight: All about Biomarkers,” speaker, Memorial Sloan-Kettering Cancer Center, New York
- “Sequenom: Breadth of ’540 Patent Creates Vulnerability to Validity Challenge Despite Strength of Claims – Attorneys,” *quoted*, *BioPharm Insight*
- “Patent on Genetic Data Raise Legal Questions on Rights to DNA,” *quoted*, *Bloomberg*

## Professional and Community Involvement

- Board of Advisors of the American Repertory Theater
- Former Area I Coordinator for the North American Junior and Young Rider Championships, United States Eventing Association

## Recognition

- *Boston Magazine* Top Lawyer in Intellectual Property Rights (2022)
- *Best Lawyers in America*: “Lawyer of the Year” for Biotechnology Law (2019)
- “Attorney of the Year - Patent Strategy & Management - Massachusetts” by *LMG Life Sciences* (2016 and 2017)
- *Who’s Who Legal*’s list of top Life Sciences transactional attorneys (2017)
- *Patent Expert Guide* (2015 and 2017)
- “Intellectual Property Trailblazer” by *The National Law Journal* (2016)
- Boston “Lawyer of the Year” for Biotechnology Law by *Best Lawyers* (2016)
- “Top Woman of Law” by *Massachusetts Lawyers Weekly*
- *Chambers USA* (2005-2023)
- *Best Lawyers in America* (2014-2024)
- *The Legal 500* (2013-2022)
- *The Legal 500*: Leading Lawyer (2023)
- A World’s Leading Patent Practitioner by *IAM Patent 1000* (2014-2023)
- *Managing Intellectual Property* as an “IP Star” and a “Top 250 Women in IP” nationwide (2014-2023)
- “Litigation Star” by *Benchmark Litigation*
- *Massachusetts Super Lawyers*
- *LMG Life Sciences*: “Life Sciences Star”