

# Brenda Herschbach Jarrell, PhD

Co-Chair of Life Sciences and IP Groups

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

*Chambers USA*



Dr. Jarrell 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. Dr. Jarrell 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.

Dr. Jarrell is a member of the Firm’s Executive Committee and is co-chair of the Life Sciences Group and the Intellectual Property Group. She was named the 2019 Boston “Lawyer of the Year” for Biotechnology Law by *Best Lawyers*, “Attorney of the Year - Patent Strategy & Management - Massachusetts” by *LMG Life Sciences* in 2017 and 2016, an “Intellectual Property Trailblazer” by *The National Law Journal* and a “Top Woman of Law” by *Massachusetts Lawyers Weekly*. She was also ranked among the top 50 women *Massachusetts Super Lawyers*. Dr. Jarrell is listed by *Chambers USA* and *Best Lawyers in America*. She has been listed in *The Legal 500*, named a World’s Leading Patent Practitioner by *IAM Patent 1000* and recognized by *Managing Intellectual Property* as an “IP Star” and among the “Top 250 Women in IP” nationwide. In 2017, Dr. Jarrell was named to *Who’s Who Legal’s* list of top Life Sciences transactional attorneys. She was also included in the *Patent Expert Guide* in 2015 and 2017, placing her among “the world’s leading practitioners” in patent law.

## 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*

## PRACTICE FOCUS

### Intellectual Property Protection

Helps clients design and manage complex patent portfolios in support of business goals and strategies. Coordinates patent strategy with regulatory strategy and business opportunities, including by assessing positioning relative to third party portfolios. Crafts strategies in with respect to both small and large molecule therapeutics, as well as cellular therapeutics and diagnostics. Particular expertise in fields relating to antibody therapeutics and formats, nucleic acid therapeutics, various small molecule therapeutics including covalent inhibitors, and vaccines. Also significant practice in metabolic engineering and specialty chemicals, particularly including “green technology” strategies for their production.

### Complex Intellectual Property Disputes

Manages patent prosecution portfolios and related competitor surveillance; develops strategies to secure patent protection for clients while reducing freedom to operate issues arising from competitor intellectual property. Conducts pre-litigation validity and infringement analysis; advises litigation teams on technical aspects.

### Technology Transactions & Licensing

Negotiates and crafts strategic alliance, collaboration, and license agreements between and among life sciences and pharmaceutical clients.

### Investment Counsel

Assists investors of all types in assessing technology and intellectual property assets and risks associated with potential target investments. Also represents target companies preparing for diligence review by investors and partners.

### Post Grant Proceedings

Represents clients in AIA post-grant review proceedings, including interferences, *inter partes* review and post-grant review proceedings.

## ADMISSIONS

Massachusetts

U.S. Patent & Trademark Office

U.S. Court of Appeals,  
First Circuit

## PRACTICE AREAS

Intellectual Property  
Protection

Life Sciences

Complex Intellectual Property  
Disputes

Business & Technology

## 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 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 group 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 and Appellate Proceedings

- *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).

## RECENT PUBLICATIONS AND PRESENTATIONS

- 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 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, November 2017.
- “Quality of a Target’s IP Position,” *speaker*, CBI M&A Conference, October 2016.
- “A Year in Review: Key Cases in 2015 and 2016 Outlook,” *moderator*, Consero 2015 IP Forum for Pharmaceuticals and Biotechnology, December 2015.
- “Patents and Drug Discovery: Do They Help or Hurt?,” *speaker*, Harvard University, October 2015.
- “Research, Innovation, and Successful Commercialization,” *speaker*, Dartmouth Ventures 2015 Conference, April 2015.
- “Female Powerbrokers Q&A: Choate's Brenda Jarrell,” *featured*, *IP Law360*, January 2014.
- “Patents 101,” *presenter*, Harvard Business School, Boston, November 2013.
- “Does Myriad Matter?” *moderator*, BIO IP Counsels Committee Fall Conference and Meeting, November 2013.
- “The Noneffect of Myriad on Personalized Medicine,” *co-author*, *IP Law360*, July 2013.
- “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, November 2012.
- “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, November 2012.
- “Innovation Spotlight: All About Biomarkers,” *speaker*, Memorial Sloan-Kettering Cancer Center, New York, November 2012.
- “Sequenom: Breadth of ‘540 Patent Creates Vulnerability to Validity Challenge Despite Strength of Claims – Attorneys,” *quoted*, *BioPharm Insight*, February 2012.
- “Patent on Genetic Data Raise Legal Questions on Rights to DNA,” *quoted*, *Bloomberg*, February 2012.

## PROFESSIONAL AND COMMUNITY INVOLVEMENT

Dr. Jarrell currently sits on the Board of Advisors of the American Repertory Theater and is an Area I Coordinator for the North American Junior and Young Rider Championships, United States Eventing Association.