

May 3, 2021

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

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
152 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 Chairman Durbin and Ranking Member Grassley:

We write to express our enthusiastic support for the nomination of Tiffany P. Cunningham to the United States Court of Appeals for the Federal Circuit. As former law clerks of the Federal Circuit, we believe that Ms. Cunningham has the qualifications and the character to serve with distinction as a judge of that court.

The business of the Federal Circuit is unique among federal courts of appeals. With near-exclusive jurisdiction over patent cases, the Federal Circuit wields much influence over the country's innovation economy, from inventors and small businesses to large international corporations. America's military veterans depend on the court for its oversight of Veterans Affairs and the Court of Appeals for Veterans Claims. And the court touches on many other important public issues such as vaccines and international trade.

As you may know, Ms. Cunningham spent the first year of her legal career after Harvard Law School serving as a law clerk to Judge Timothy B. Dyk of the Federal Circuit. She has spent most of her career since then practicing within the court's areas of jurisdiction—in patent litigation, the International Trade Commission, and the United States Patent and Trademark Office.

We too served as law clerks at the Federal Circuit—some with Ms. Cunningham, others at different times or for different judges. Some of us know

Ms. Cunningham personally, others from professional circles, and others simply by her stellar reputation. We now hail from states across the nation, both political parties, and a variety of positions in business, private law practice, government, and academia.¹

All of us agree that Ms. Cunningham is an excellent choice for Federal Circuit judge. Ms. Cunningham's clerkship at the court and her career in private practice well qualify her to perform the court's unique and important work. Those of us who know Ms. Cunningham personally believe she has the character—kind, collegial, inquisitive, and fair-minded—to serve with distinction and honor. As an added bonus, Ms. Cunningham would bring welcome diversity to the court as the first Black judge in its nearly forty-year history.

In sum, we believe Tiffany P. Cunningham has the qualifications and character to be an excellent judge of the Federal Circuit. We urge your committee to advance her nomination to the full Senate for confirmation.

Sincerely yours,

Former Law Clerks of the U.S. Court of
Appeals for the Federal Circuit

¹ Please note that we sign this letter in our personal capacities. Our professional affiliations are listed for identification purposes only.

Sanjiv P. Laud
Jones Day

Brian Dean Abramson
Vaccine Program Counsel

James Robert Bender
Patterson + Sheridan LLP

Christopher Y. Chan
Lazada Southeast Asia Pte Ltd

Andrew Dufresne
Perkins Coie LLP

Julie Goldemberg
Morgan, Lewis & Bockius

Neal Hannan
Fastly, Inc.

Rachel Hughey
Merchant & Gould

Daniel Kazhdan
Associate Solicitor, USPTO

Brian M. Kramer
Morrison & Foerster LLP

Kat Li
McKool Smith

Alexandra H. Moss
Electronic Frontier Foundation

Jennifer Phend Nock
Rothwell, Figg, Ernst & Manbeck, P.C.

Kevin Parton
Verizon

Michelle E. Armond
Armond Wilson LLP

Michelle Ankenbrand

Carolyn Chachkin
Office of General Counsel
U.S. Surface Transportation Board

Ruthanne Deutsch
Deutsch Hunt PLLC

Stanley Fisher
Williams & Connolly LLP

Sharonmoyee Goswami
Cravath, Swaine & Moore LLP

Katherine A. Helm
Dechert LLP

Dmitry Karshtedt
The George Washington University Law
School

Daniel J. Klein
Paul, Weiss, Rifkind, Wharton & Garrison
LLP

David Krinsky
Williams & Connolly LLP

J. Preston Long
Finnegan, Henderson, Farabow, Garrett &
Dunner LLP

W. Joss Nichols
Samsara Inc.

Kristen Osenga
University of Richmond School of Law

Pauline Pelletier
Sterne Kessler Goldstein & Fox PLLC

Christine Ranney
Gibson, Dunn & Crutcher LLP

Anu Sawkar

R. Andrew Schwentker
Fish & Richardson P.C.

Louis Tompros
WilmerHale

Jennifer H. Wu
Paul, Weiss, Rifkind, Wharton & Garrison
LLP

Timothy Chen Saulsbury
Durie Tangri LLP

Leslie Schmidt
Kirkland & Ellis LLP

Eman Sojoodi

Sarah R. Wasserman Rajec
William & Mary Law School