

## BRADFORD P. LYERLA, Partner

*Mr. Lyerla is co-chair of the firm's Patent Litigation and Counseling Practice and a member of the Antitrust and Competition Law Practice. He is a counselor and trusted advisor to his clients concerning competition and intellectual property disputes. But he is best known for representing clients in patent and trade secret litigation.*

He has tried numerous cases and appeals representing such companies as Hospira, Amazon, Viskase, General Dynamics, Quaker Oats, MCI, AM International, Solo Cup Company, Oster Communications, Monosol, Business Records Corporation, US Robotics and others. He also has resolved numerous disputes through negotiated business arrangements or summary dispositions in court for such clients as Wolfram Research, Charter Communications, General Electric, Shopko, Chris Craft, Coherus Biosciences and more. His litigation has involved a wide variety of technologies, including life sciences, applied mathematics, communications, software, computing, medical devices, chemicals, food science, manufacturing, consumer products, aeronautics and pharmaceuticals. Mr. Lyerla has led and co-led Paragraph IV and biosimilar litigations under the BPCIA.

Mr. Lyerla is respected in his field. The IAM Patent 1000 (2018) describes Mr. Lyerla: "A born-and-bred trial lawyer who enjoys the confidence of influential decision makers, Mr. Lyerla continues to percolate in important cases." He has been recognized by *Chambers USA*, where he has been described as "enormously, enormously talented" and "a brilliant strategist." In the most recent edition of *Chambers USA*, Mr. Lyerla is described as having a "very strong reputation" and being a "very sophisticated and effective patent litigator." Regularly engaged by life sciences companies, he is also adept counsel for misappropriation of trade secrets claims. He is included in *The Best Lawyers in America - 2014-present* (Litigation-Intellectual Property). He has been selected as a *Super Lawyer* in Illinois repeatedly, including as one of the top 100 lawyers in Illinois multiple times. He has been selected as a member of the Leading Lawyers Network for intellectual property litigation. He is regularly listed in *Who's Who in the World*, *Who's Who in America* and *Who's Who in the Law*. Mr. Lyerla is Martindale AV Preeminent rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability.

Mr. Lyerla is a thought leader in patent and trade secret litigation. He regularly speaks and publishes on issues in patent and trade secret litigation. He is Editor-in-Chief and a Principal Author of *Antitrust Issues in Intellectual Property Law*, a new book published by the ABA in May 2016. He was a member of the advisory committee of lawyers and judges in the Northern District of Illinois that wrote the local rules for patent litigation now adopted by that court. He is a contributing author to *Patent Claim Construction in the Federal Circuit* published by West. He was editor in chief of the ABA publication *Intellectual Property Litigation* for 15 years and now serves on the editorial board. Mr. Lyerla's article titled "Understand the Two Approaches to Claim Construction" was cited and quoted by the U.S. Court of Appeals for the Federal Circuit as secondary authority in its 2012 opinion in *MySpace, Inc. v. GraphOn Corporation*, 2011-1149 (Fed. Cir. March 2, 2012).



## BRADFORD P. LYERLA Partner

### CHICAGO

Office: 312 923-2613

Fax: 312 923-2713

Email: blyerla@jenner.com

### PRACTICE GROUPS

Antitrust and Competition Law

Intellectual Property

Japan Practice

Litigation

Patent Litigation and Counseling

Trade Secrets and Restrictive Covenants

### INDUSTRY GROUPS

Life Sciences

### EDUCATION

University of Illinois College of Law, J.D., 1980; Honors; Member and Staff Editor, *Law Review*

University of Illinois, B.A.; Phi Beta Kappa; Donald W. Doerscher Memorial Prize

### ADMISSIONS

Illinois, 1980

Michigan, 2019

### COURT ADMISSIONS

U.S. Supreme Court

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Eighth Circuit

Illinois Supreme Court

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

Mr. Lyerla is committed to diversity in the workplace and in life. He is equally committed to pro bono work. He has tried numerous pro bono trials for the indigent including two murder trials. He has received the John Powers Crowley Justice Award for his pro bono work.

## Awards

- American Research Corporation  
American's Leading Lawyers
- *Best Lawyers in America*  
Litigation-Intellectual Property, 2014-present  
Litigation-Patent, 2019-present
- *Chambers Global*  
Intellectual Property: Patent (USA), 2018, 2019
- *Chambers USA*  
Intellectual Property (Illinois), 2010-2019
- *Illinois Super Lawyer*  
Intellectual Property Litigation, 2005-present  
Top 100 Illinois Super Lawyers, 2013-2015, 2017-2019
- People's Uptown Law Center  
John Powers Crowley Justice Award
- Leading Lawyers Network  
Commercial Litigation, 2004-2019  
Intellectual Property Law, 2004-2019  
Patent Law, 2004-2019  
Trade Secrets/Unfair Competition
- *Managing Intellectual Property*  
IP Star - 2013-present
- *Who's Who*
  - *Who's Who in America* - 1997-present
  - *Who's Who in American Law* - 1992-2010
  - *Who's Who in Finance and Industry* - 1998-1999
  - *Who's Who in the Midwest* - 1999-2000
  - *Who's Who in the World* - 1995-1997; 2001; 2004-2005; 2009; 2012-present
- *Who's Who Legal: Patents* - 2016, 2019

U.S. District Court, Southern District of Illinois

U.S. District Court, Northern District of California

U.S. District Court, District of Colorado

U.S. District Court, Northern District of Indiana

U.S. District Court, District of Nebraska

U.S. District Court, Northern District of Ohio

U.S. District Court, Eastern District of Texas

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Western District of Michigan

## Community

- Radio Harbor Country, WHRC 106.7 and WRHZ 93.5, a 501(c)(3) non-profit organization  
Board of Directors

- Heartland Alliance, Chicago, IL,  
Board of Directors, 1991-1995
- North Suburban Board Traveller's and Immigrants Aid, Wilmette, IL  
Board of Directors, 1987-1996
- Youth Service Project of Humboldt Park Chicago, IL  
Board Secretary, 1988-1993
- University of Illinois  
President's Council
- Cribbett Society, University of Illinois College of Law  
Founding Member

## Service To The Bar

- American Bar Association  
Editor at Large, Intellectual Property Litigation Newsletter, 2005-present  
Editor in Chief, Intellectual Property Litigation Newsletter, 1990-2005
- American Bar Foundation  
Life Fellow
- Federal Bar Association
- Federal Circuit Bar Association
- Illinois State Bar Association  
Chair, Intellectual Property Section Council, 1996-1997
- Intellectual Property Law Association of Chicago  
Chair, Antitrust Committee, 2009-2013  
Board of Managers, 2007-2009  
Chair, Litigation Committee, 2005-2007
- Northern District of Illinois Local Patent Rules Committee  
Advisory Group, 2009-2017
- U.S. Supreme Court Historical Society

## Publications

- "The Important Things Have Not Changed," *Intellectual Property Litigation*, November 2, 2016
- Editor, *Antitrust Issues in Intellectual Property Law*, American Bar Association Section of Intellectual Property Law, July 2016
- Editor-in-Chief and Principal Author, *Antitrust Issues in intellectual Property Law*, May 2016
- Contributing Author, *Patent Claim Construction in the Federal Circuit*, Intellectual Property Law Association of Chicago, 2006-07, 2010-2012, 2014, 2016
- Hospitality and Gaming Legal Review 2015, February 5, 2015

- "Making Sense of *Prometheus*," *Intellectual Property*, ABA Section of Litigation, September 12, 2012
- "Closing Argument: Focus on the pursuit of excellence," *Chicago Lawyer*, April 1, 2012
- "Words Method vs. Invention Method of Claim Construction," *American Bar Association Intellectual Property Litigation Newsletter*, February 23, 2012
- "Understand the two approaches to claim construction," *Managing Intellectual Property*, November 22, 2011
- "A Panel Discussion on Obviousness in Patent Litigation: *KSR International v. Teleflex*," *John Marshall Law School Review of Intellectual Property Law*, Vol. 6, Issue 4, Summer 2007
- "Using an Opinion of Counsel Effectively at Trial," *Intellectual Property Litigation*, Spring 2005
- "The Role of Words Versus the Invention," *Intellectual Property Litigation*, Winter 2004
- "When is Practicing the Prior Art a Defense to Infringement," *Intellectual Property Litigation*, Spring 2003
- "Thirteen Rules for Inevitable Disclosure Trials," *The Computer Lawyer*, Vol. 15, No. 6, June 1998
- "Is an Antitrust Violation Necessary to Sustain a Patent Misuse Defense," *Intellectual Property Litigation*, Vol. IX, No. 3, Fall 1997
- "Copyrightability of Software User Interfaces: The Natural Law Versus the Social Utilitarian Approach," *The Computer Lawyer* Vol. 10, January 1993
- Co-Author, "Insurance Coverage for Intellectual Property Claims: The California vs. The New York Approach," *AIPLA Quarterly Journal*, Vol. 19, No. 3, 1991

## Speaking Engagements

- "The Patent Litigation Landscape in the Wake of TC Heartland & Cray," IP Watchdog, October 17, 2017
- Panelist, "Case Management of Patent Cases in the Northern District of Illinois," The Federal Circuit Bar Association, May 28, 2016
- Panelist, "Patent Litigation - Law 211 - Round Table," Chicago-Kent College of Law, April 14, 2016
- Moderator, "Is There a Need to Change the Local Patent Rules?" The Federal Circuit Bar Association, May 15, 2015
- Moderator, "The Best Defense Is a Good Offense: Tactical Use of Offensive Counterclaims in IP Litigation," Intellectual Property Law Association of Chicago, February 19, 2015
- Moderator, Intellectual Property Association of Chicago, December 16, 2014
- Presenter, "The Impact of Amendments to the Federal Rules of Civil Procedure on Discovery in Patent Cases", The Federal Circuit Bar Association, November 07, 2014
- Second Paragraph IV Litigation Strategy Congress, Momentum, October 29, 2014 to October 30, 2014
- Podcast on Paragraph IV Disputes, the Momentum Group, July 2014
- Panelist, "Life Science Panel: How to Deal with an Increasingly 'Activist' Supreme Court," US Patent Forum, March 25, 2014
- "A Discussion of Heightened Pleading Requirements for Patent Infringement," Federal Circuit Bar Association, February 21, 2014

- Moderator, Discussion on ESI Discovery, FBA Advanced Complex Litigation Series, April 19, 2013
- “AIA and NPEs: Impact or More of the Same?” U.S. Patent Forum, March 19, 2013
- Eighth Annual Corporate Intellectual Property Law Conference, February 13, 2013
- Moderator, “Trends from the Courts and the USPTO,” Law Bulletin Seminars’ 7th Annual Corporate Intellectual Property Law Conference, Chicago, IL, February 08, 2012