

April 23, 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 serve as a judge on the United States Court of Appeals for the Federal Circuit. As an intellectual property litigator with almost 20 years of experience practicing before federal district courts, the International Trade Commission, and the Federal Circuit, Tiffany will not only bring depth of experience as a trial and appellate advocate, she will also bring her own unique perspective as a former Federal Circuit clerk who understands the rich history of this institution.

As former judicial clerks for the Honorable Timothy B. Dyk, we represent a range of backgrounds, careers, geographies, politics, and approaches to the law. We know Tiffany in different ways: some of us clerked with Tiffany, some of us have had the pleasure of being her co-counsel, while others have litigated against her. Some of us know her only through Judge Dyk's law clerk gatherings or through her well-deserved acclaim as a superb litigator. All of us are certain that she will be a wonderful judge.

Like all of us, early in her legal career Tiffany spent a year as a clerk to Judge Dyk, gaining invaluable legal research and writing skills. Tiffany never took that experience for granted. She grew up in Michigan, where her mother was a teacher and her father worked in the automobile industry. She was the first in her family to go to law school. Her work ethic, fierce intelligence, and collegial nature has led her to excel in almost every context and environment where she has found herself.

As an undergraduate at the Massachusetts Institute of Technology, Tiffany graduated Phi Beta Kappa with an S.B. in Chemical Engineering, while minoring in French and being an active member of Tau Beta Pi. At Harvard Law School, Tiffany excelled academically, but she still found time to serve on the Board of Student Advisers, teaching research and legal writing to first-year law students, many of whom were also first-generation lawyers. Tiffany saw herself as a mentor to fellow aspiring lawyers even then, guiding groups of students through their first legal memos, their first moot court arguments, and their first experiences as scholars and thinkers in a thriving legal community. We know that Tiffany would serve as a compassionate and dedicated mentor to her future judicial clerks, just as Judge Dyk has been to all of us.

Tiffany's own experience as a judicial clerk was a formative experience. For one special year, she had a perspective on the inner workings of a unique institution—an institution with a history of collegiality where judges all work in the same building and can simply walk down the hall to the next chambers to debate their cases and build consensus; an institution that takes seriously its guardianship of patent law and innovation in this country; and an institution that values civil debate and fidelity to the law. Tiffany would continue in the tradition of the many great jurists who have served on the Federal Circuit and would add much-welcomed diversity.

After her clerkship, Tiffany practiced law at Kirkland & Ellis LLP, and then at Perkins Coie LLP, where she handles all phases of litigation, including trial and appeal. Tiffany relishes going to trial. Even under pressure, she is known as a partner who problem-solves collaboratively and remains fair-minded and level. She solicits ideas and perspectives from all team members and approaches her arguments from all sides. As a mentor, she gives credit to others and cares for her associates, staff, and paralegals. Throughout her practice, Tiffany has tackled some of the most challenging legal issues, over the span of two decades that have seen significant changes in the patent law landscape. For several years, Tiffany has served on various firm committees, including joining the Perkins Coie LLP Executive Committee in 2020. Tiffany is also an outspoken advocate for diversity in the law and has chaired her local diversity committee for years.

As members of the Judge Dyk clerk family, we can confidently say that Tiffany has the talents and temperament to be an outstanding judge on the Federal Circuit. We urge the Senate Judiciary Committee to advance Tiffany P. Cunningham's nomination to the full Senate and confirm her to the Federal Circuit.

Respectfully submitted,

Former Law Clerks of Judge Timothy B. Dyk\*

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\*Institutional affiliations are provided for identification purposes only.

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