

## Courtenay C. Brinckerhoff

### Partner

[cbrinckerhoff@foley.com](mailto:cbrinckerhoff@foley.com)

Washington, D.C.

202.295.4094



Courtenay Brinckerhoff is an intellectual property lawyer, assisting international clients with all aspects of obtaining, defending, evaluating, licensing, and enforcing patents; and conducting freedom-to-operate and due diligence investigations. She is a partner and vice chair of the firm's Intellectual Property Department, as well as the editor and primary author for Foley's [PharmaPatentsBlog.com](http://PharmaPatentsBlog.com), where she analyzes evolving patent office practices and precedential court decisions on emerging legal issues.

For more than 25 years, Courtenay has represented clients in diverse industries before the U.S. Patent Office, the Patent Trial and Appeal Board, and the U.S. Court of Appeals for the Federal Circuit. She has successfully represented clients in complex patent matters, including four-party interference, *Inter partes* Reexaminations, *Inter partes* Reviews, and ANDA litigation.

Courtenay works with clients across the chemical and biotechnology industries, including on innovations for pharmaceuticals and drug-device products, human and animal food products and nutraceuticals, and industrial technologies. Clients trust Courtenay to secure critical intellectual patent rights, including patents intended for listing in the Orange Book or eligible for listing in the Purple Book.

She has particular experience with transdermal pharmaceutical products (patches, gels, and liquids), oral dosage forms (including controlled/extended-release formulations), enzyme-based technologies, microbial technologies, diagnostic and therapeutic antibodies, active and passive immunization therapies, and personalized medicine, as well as with industrial films, carbon nanotube technologies, biofuels, and carbon capture technologies.

Courtenay has served as vice chair of the firm's Chemical, Biotechnology & Pharmaceutical Practice and is an active member of the firm's PTAB Trials Practice and Life Sciences Industry Team.

Prior to joining Foley as an associate, Courtenay clerked for the Honorable Alvin Anthony Schall on the U.S. Court of Appeals for the Federal Circuit. Prior to her clerkship, she worked at Foley as a patent agent and law

clerk.

## Awards and Recognition

- *The Best Lawyers in America*®, Patent Law (2021-2024) and Biotechnology and Life Sciences Practice (2023-2024)
- IP Distinguished Alumni Award from George Mason University Antonin Scalia Law School (April 2017)
- *JD Supra* Readers' Choice Top Author (2017-2021) in the categories of pharmaceutical industry and patents for her work on the *PharmaPatents* blog
- *IAM Patent 1000 – The World's Leading Patent Practitioners*, patent prosecution (2014-2016, 2020-2021, 2024)
- Top Women in IP, *Managing IP* (2015)
- IP Star, *Managing IP* (2015)

## Thought Leadership

Courtenay writes and speaks on topics important to clients in chemical, biotechnological, pharmaceutical, food, and personalized medicine industries. She has been an invited speaker at the AIPLA Annual Meeting, the FDLI Annual Meeting, the Intellectual Property Owner's Association annual meeting, the PTAB Bar Association annual meeting, and the annual Advanced Patent Law Institute presented by the University of Texas School of Law, the United States Patent and Trademark Office, and George Mason University Antonin Scalia Law School.

Courtenay currently serves as a Vice Chair of the Intellectual Property Owner's Association Patent Office Practice Committee and as a Vice Chair of the Appeals to the PTAB Committee of the PTAB Bar Association.

Courtenay has been following U.S. patent reform since its inception, and she and other Foley colleagues co-authored the treatise, *America Invents Act: Law & Analysis* (Wolters Kluwer 2012). The interface between patent law and FDA law is another area of interest, and she has written and spoken on issues including patent term extension, the scope of the Hatch-Waxman "safe harbor," the ANDA litigation framework, and the biosimilars BPCIA framework.

## Sectors

- [Food & Beverage](#)
- [Health Care & Life Sciences](#)
- [Pharmaceuticals](#)
- [Racial Justice & Equity](#)

## Practice Areas

- [Appellate](#)
- [Business Method & Software Patents](#)

- [Chemical, Biotechnology & Pharmaceutical](#)
- [Intellectual Property](#)
- [PTAB Trials](#)

## Education

- George Mason University School of Law (J.D., summa cum laude, 1999)
  - Valedictorian
  - Member of the *George Mason University Law Review*
  - Published an article in the *University of Baltimore Intellectual Property Law Journal* related to legislation that limits liability for infringement of medical method patents
- University of Virginia (B.S., with distinction, 1988)
  - Chemistry
  - Phi Beta Kappa
  - Award for outstanding achievement in chemistry from the Virginia Section of the American Chemical Society

## Admissions

- District of Columbia
- Maryland
- U.S. Court of Appeals for the Federal Circuit
- U.S. Patent and Trademark Office