

## Allison E. Kerndt

515-283-3193

[AKERNDT@NYEMASTER.COM](mailto:AKERNDT@NYEMASTER.COM)

DES MOINES OFFICE

Allison Kerndt “goes to school” with each client. “I want to understand the invention, the technology, the industry,” Allison says. “I have always loved figuring out how things work, and I ask a lot of questions.”

As a clerk for the Hon. Randall R. Rader on the U.S. Court of Appeals for the Federal Circuit in Washington, D.C., Allison saw the inner workings of the court that hears all appeals related to [patents](#). “During my clerkship, I worked alongside some of the brightest legal minds in my profession. Every day we were asked to deconstruct complex issues and advance persuasive legal arguments. It was a unique, once-in-a-lifetime opportunity,” Allison says. She is the only Federal Circuit clerk practicing law in Iowa. The experience gained during this prestigious clerkship has served her and her clients well.

Allison began her career in Washington, D.C., at a boutique IP firm and practiced at a large international law firm before returning to her home state of Iowa. Now Allison combines her experience, chemical engineering education, and curiosity to understand her clients’ business needs. “I draw on my engineering education every day,” Allison says. “An engineering curriculum teaches problem solving—developing analytical skills, creating solutions, and embracing outside-the-box ideas.”

Allison partners with clients ranging from start-ups to multinational corporations on issues related to the management of their intellectual property portfolios. Her experience spans a wide range of technical areas, including pharmaceutical, chemical, and cosmetic arts, biomedical devices, electronic devices, and business methods. She is experienced in the preparation and prosecution of patent and trademark applications and registered to practice before the United States Patent and Trademark Office. She also regularly advises clients on issues involving the international protection of their intellectual property assets and has significant IP litigation experience, including appearing before the U.S. International Trade Commission.

“What is most satisfying for me is partnering with my clients to achieve their business goals—and truly understanding their industry in the process. Protecting their intellectual property should be part of a broader business strategy,” she says. In addition to her active legal practice, Allison serves as an adjunct law professor at Drake University Law School.

Creative and tenacious, Allison helps clients’ businesses flourish. She becomes an integral team member—not just her clients’ lawyer.

## RECOGNITION

**IAM Patent 1000**

Recommended

**Great Plains Super Lawyers**

2017–2024



## PRACTICE AREAS

- [Intellectual Property](#)
- [Copyrights](#)
- [Intellectual Property Litigation](#)
- [Licensing](#)
- [Patents](#)
- [Trade Secrets](#)
- [Trademarks & Legal Brand Management](#)
- [Litigation](#)
- [Intellectual Property Litigation](#)

## EDUCATION

- University of Iowa College of Engineering (B.S.E., Chemical Engineering with Honors)
- University of Iowa College of Law (J.D., with distinction)

## BAR ADMISSIONS

- Iowa
- District of Columbia
- U.S. Patent and Trademark Office, Registered Patent Attorney
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Southern District of Iowa
- U.S. District Court for the Northern District of Iowa
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Eastern

## Super Lawyers

IP Litigation Rising Stars (Washington, D.C.), 2014

## Journal of Corporation Law

Editor in Chief, 2004–2005

## University of Iowa College of Law

Merit Scholar

## Willard L. Boyd Public Service Award Recipient

2005

## PROFESSIONAL & COMMUNITY AFFILIATIONS

### Iowa State Bar Association

- Intellectual Property Section Council
- Legislative Committee Co-Chair

### Polk County Bar Association

Public Relations Committee, Chair

### Iowa Intellectual Property Law Association

Board Member

### The University of Iowa Alumni Association

### Greater Des Moines Leadership Institute

Community Leadership Program Class of 2020

## SIGNIFICANT CASES

**Whirlpool Corp., Inc. v. Filters Fast, LLC (W.D. North Carolina).** Successfully represented Whirlpool Corporation in a trademark infringement and unfair competition action resulting in [jury verdict in favor Whirlpool](#) and damages award of \$5.8 million.

**Sukup Mfg. Co. v. Sioux Steel Co. (N.D. Ia. 2017).** Successfully defended Sukup Mfg. against allegations of patent infringement concerning grain bin sweep in declaratory judgment action.

**In the Matter of Certain Food Supplements and Vitamins Including Ocular Antioxidants and Components Thereof,** Investigation No. 337-TA-1027 (U.S. International Trade Commission) and OmniActive Health Technologies, Inc. v. Kemin Industries, Inc., 216cv04988 (D. N.J.). Represented Complainant Kemin Industries, Inc. in a patent infringement litigation before the ITC and the U.S. District Court for the District of New Jersey, involving ocular antioxidants.

**JT&O Technologies, LLC v. Continental Technologies, Inc. d/b/a Extreme Outdoor Products et al. (E.D. Tenn.).** Represented Defendants Dick's Sporting Goods and XOP in patent litigation concerning tree stands.

**Swanson v. ALZA Corp. (N.D. Cal.).** Represented ALZA Corp., a Johnson & Johnson subsidiary, in an inventorship dispute pending in the U.S. District Court for the Northern District of California, where ALZA Corp. prevailed on summary judgment.

**Deere & Company v. Duroc LLC et al. (S.D. Iowa).** Represented Deere & Company in a patent infringement trial concerning dual deck flex-wing rotary cutters in the U.S. District Court for the Southern District of Iowa.

District of Texas

## PROFESSIONAL EXPERIENCE

- Adjunct Professor, Drake University Law School
- Associate, Covington & Burling LLP
- Law Clerk, Hon. Randall R. Rader, U.S. Court of Appeals for the Federal Circuit
- Associate, Finnegan Henderson Farabow Garrett & Dunner LLP

***Association for Molecular Pathology v. Myriad Genetics, No. 20101406 (Fed. Cir.).***

Represented Pharmaceutical Research and Manufacturers of America (PhRMA) as amicus curiae before the United States Supreme Court and the United States Court of Appeals for the Federal Circuit concerning the patent eligibility of isolated human genes.

***Augme Technologies, Inc. v. Gannett Co., Inc. et al. (S.D.N.Y.); Augme Technologies, Inc. v. AOL Inc. et al. (S.D.N.Y.); and Augme Technologies, Inc. v. Tacoda, Inc. (S.D.N.Y.).***

Represented AOL in three related patent infringement cases where the plaintiff asserted four patents against AOL's targeted web advertising technology.

***Garnet Digital, LLC v. Apple, Inc. et al. (E.D. Tex.)*** Represented Hewlett-Packard in patent litigation brought by Garnet Digital involving technology related to video streaming on a mobile device.

***King Pharmaceuticals Inc. et al. v. Teva Parenteral Medicines Inc. (D.***

***Del.)***. Represented King Pharmaceuticals in patent litigation against Teva enforcing King's patents, which covered King's life-saving EpiPen® Auto-Injector products.

***Nomadix, Inc. v. Hewlett-Packard Company, et al., 09cv8441 (C.D. Cal.)***. Represented Hewlett-Packard in a patent infringement case involving patents concerning network gateway devices.

***MedioStream, Inc. v. Microsoft Corp et al., 3:11cv2525 (N.D. Cal.)***. Represented Microsoft Corp. in a patent litigation action involving patents concerning multimedia conversion technology.

***In the Matter of Certain Wireless Communication Devices and Systems, Components Thereof, and Products Containing Same, Investigation No. 337-TA-775 (U.S.***

***International Trade Commission)*** Successful representation of Hewlett-Packard and Apple Inc. in patent infringement litigation involving wireless communication systems, resulting in complainant withdrawing its complaint.

**Represented a pharmaceutical research company** in Hatch-Waxman litigation against multiple defendants in multiple federal courts.

**Advised client regarding technology transfer agreement** and related Bayh-Dole issues.

**Performed due diligence and pre-litigation assessment of patent portfolio** on behalf of an ecommerce company.

**Provided client counseling and due diligence opinion to a pharmaceutical research company** concerning submissions to the Food and Drug Administration.

**Representation of a seed manufacturer** in litigation related to genetically modified crops, involving patent, antitrust, and breach of contract claims.

***In the Matter of Certain Electronic Devices Including Handheld Wireless Communication Devices, Investigation No. 337-TA-673 (U.S. International Trade Commission)***. Represented Respondent Samsung in patent infringement litigation before the ITC involving handheld wireless devices.

**Represented a pharmaceutical research company** in Hatch-Waxman litigation related to a pharmacologic stress agent.

## **SPEECHES & PUBLICATIONS**

**"Trademark Infringement and Unfair Competition in the Digital Age"**

IIPLA Annual Meeting, 2019

**"Keeping the End Game in Mind: IP Enforcement Strategies"**

Nyemaster IP Client Seminar, 2019

**"Bringing and Defending Willful Infringement Claims"**

Iowa State Bar Association CLE, June 2018

**"What You Need to Know: Willfulness Opinions of Counsel and Attorneys' Fees"**

IIPLA Annual Meeting, 2017

**"Protecting Inside and Outside the Bottle: IP Considerations for Brewery Owners"**

Iowa Brewer's Guild i-BEST conference, 2017

**"Patents and the Supreme Court"**

Drake University Law School Intellectual Property Law CLE, March 2016

**"Non-Practicing Entities"**

Iowa Chapter, Association of Corporate Counsel, February 2016

**"Legal Considerations for Immigrant Entrepreneurs"**

Immigrant Entrepreneurship Summit, November 2015, November 2016

**Women in Technology (panel discussion)**

Microsoft Digigirlz Workshop for high school girls, November 2015

**"Patent Trolls"**

Business Law CLE, University of Iowa College of Law, November 2015

**Judges Panel Markman Hearing and Q & A (with Judge Jarvey and Jeff Harty)**

Iowa Intellectual Property Law Association, October 2015

**"The Federal Circuit: Guardian of Our Intellectual Property Crown Jewels"**

ABA Section of Litigation Annual Conference, April 2012

**"Preparing for and Arguing Patent Appeals Before the Federal Circuit"**

Center for Intellectual Property and Innovation, Indiana University Maurer School of Law, February 2012