

Top Women of Law 2022



EMILY R. WHELAN

Partner

WilmerHale, BOSTON

HARVARD LAW SCHOOL

Her love for chemistry initially attracted Emily R. Whelan to the sciences. But soon enough, the Pennsylvania native discovered that she was not cut out for a life in the lab.

“I saw intellectual property law as a great field for me because I really liked learning about new technology and thinking and writing about issues in technology,” says Whelan. “That part was more exciting to me than actually doing the hands-on lab work. I thought that approaching these issues from the legal perspective would be a better fit for me.”

After graduating from Harvard Law School, Whelan’s first job was at WilmerHale, where she has remained for more than two decades. She made partner at the firm in 2009 and, as of the beginning of last year, serves as chair of its intellectual property department. She also serves on the Executive Diversity and Inclusion, Management, Compensation and Partner Election Review committees, as well as the Women’s Leadership Initiative.

She has represented innovative pharmaceutical companies in ANDA, biosimilars and other patent

litigation, done due diligence and analysis of competitor patents from the medical device field and the food industry and has managed patent portfolios including small molecules, formulations and treatment methods.

Outside the firm, she’s gained considerable recognition as well, including being honored as one of the Top 50 Women in PTAB Trials for 2019 and 2021 by the PTAB Bar Association. In addition to serving as treasurer of the Boston Patent Law Association’s Board of Governors, she often speaks on IP topics, including at the American Conference Institute’s FDA Boot Camp Edition.

“I get to work with companies and scientists in the life sciences field who are doing exciting things, developing therapies for patients and I help them from an IP patent perspective,” she notes.

Whelan’s pro bono work has included efforts with Project Citizenship to draft comments in response to a proposed modification of regulation of U.S. Citizenship and Immigration Services fee waivers. Her filings were persuasive enough to earn a preliminary injunction in U.S. District Court.