



## *Benjamin S. Fernandez*

**PARTNER**

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DENVER

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Ben Fernandez is an intellectual property lawyer who possesses noteworthy subject matter and industry knowledge, and has experience in patent and trademark portfolio management, freedom to operate/competitive landscape and IP diligence. With more than 15 years of intellectual property experience, his practice centers on helping companies navigate patent and trademark law complexities to achieve their business objectives. He draws on his extensive experience in managing US and international IP portfolios to advise clients on achieving the most strategic and valuable coverage possible and to develop formidable IP rights.

As part of Mr. Fernandez's freedom to operate/competitive landscape work, he has helped clients launching new products understand how to avoid, design around and license to minimize risk from competitors' patents. Mr. Fernandez is well-versed in both pre- and post-America Invents Act patent laws and has defended patents in USPTO post-grant proceedings.

Mr. Fernandez's practice spans a number of industries. He advises on medical device patents, including orthopedic implants, cardiac implants, limb orthotics, and communications systems/information technology between medical devices. He has handled matters in the energy and clean technology sectors, including algae growth, algae harvesting, and in-situ shale oil extraction.

His design patent practice focuses on retail products, including molded or injection molded products and fashion retail goods released on seasonal cycles. He also has significant patent experience in software, financial services, and telecommunications technologies.

In addition, Mr. Fernandez conducts intellectual property diligence for buyers, licensees and debtors, as well as sellers, licensors and creditors. He works closely with corporate colleagues to ensure a smooth and seamless IP diligence experience for the client.

Mr. Fernandez is an adjunct professor at the University of Colorado School of Law, where he supervises patent student attorneys in the Entrepreneurial Law Clinic. Prior to joining WilmerHale, Mr. Fernandez was a partner focusing on intellectual property at another firm in

Denver, Colorado.

## *Professional Activities*

Mr. Fernandez is the co-founder and chair of the steering committee for ProBoPat Colorado, a program that seeks to connect low-income Colorado inventors with Colorado patent professionals.

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## *Solutions*

Intellectual Property  
Counseling and Prosecution  
Life Sciences

Litigation  
Trials

Intellectual Property Litigation

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## *Recognition*



### ***Best Intellectual Property Lawyer***

*Barrister's Best, Law Week Colorado*

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2017-2018



### ***Denver Patent Law Lawyer of the Year***

*Best Lawyers in America®*

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2022



### ***Recognized Among the Finest Law Firm Writers***

*The Burton Awards*

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2017

- Selected as a 2022-2023 IP Star by *Managing IP*, a guidebook that identifies leading IP lawyers in the United States.
- Named Best Intellectual Property Lawyer by *Law Week Colorado* in its Barrister's Best 2017 and 2018 lists. *Law Week* said: "Fernandez works with corporate clients in a variety of industries on their IP matters and teaches the subject as well."

- Selected for inclusion in the 2018–2024 editions of *Best Lawyers in America* for his work in intellectual property, including copyright law, patent litigation, patent law and trademark law, and recognized as Lawyer of the Year for patent law in 2022.
- Regularly recognized by *Chambers USA Guide* in Colorado for intellectual property.
- Recognized among "the finest law firm writers" of 2017 by the Burton Awards
- Named to the *Denver Business Journal's* 40 Under 40 list in 2017.
- Recommended in the 2016 edition of *The Legal 500 United States* for intellectual property: patents: portfolio management and licensing.
- Recognized in the 2014–2023 editions of *IAM Patent 1000: The World's Leading Patent Practitioners*.
- Named a 2020, 2021 and 2024 "Super Lawyer" and a 2009, 2020–2016 and 2019 "Rising Star" in intellectual property by *Colorado Super Lawyers*.

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## Credentials

### EDUCATION

JD, University of Colorado Law School, 2004

*President, Intellectual Property Law Students, Note and Comment Editor, Journal of Telecommunications & High Technology Law*

BS, Mechanical Engineering, Colorado State University, 2001

*cum laude*

### ADMISSIONS

Colorado

US Patent and Trademark Office

### LANGUAGES

French