

## Breaking IP Barriers With Banner Witcoff's Mercedes Meyer

By Dani Kass

*Law360 (February 21, 2023, 8:02 PM EST)* -- Banner Witcoff attorney Mercedes Meyer likes to stand out, and she's harnessed that outspokenness for more than two decades to demand a place for women in intellectual property law.

The Washington, D.C.-based shareholder represents life sciences and technology clients in patent prosecution, due diligence and other patent needs. She spent the vast majority of her career at Faegre Drinker Biddle & Reath LLP and its predecessor, Drinker Biddle & Reath LLP, before joining Banner Witcoff in July.

While building her practice, she also has been creating ways to bring women in IP together through various networks, including committees run by the American Intellectual Property Law Association and the Intellectual Property Owners Association. In addition, she co-led the creation of IPO's Gender Diversity in Innovation Toolkit, which companies have used to address lack of diversity among their inventors.

Meyer holds a law degree from the University of Houston Law Center, a doctorate in virology from the University of Texas Health Science Center at Houston and an undergraduate degree in chemistry from Bryn Mawr College.

She talked with Law360 about being a woman in IP law and how she has worked to connect female lawyers with each other as part of Law360's ongoing series of interviews with attorneys who have been on the front lines to make IP a more inclusive area of law.

This interview has been edited for length and clarity.

### What drew you to IP law?

My father said, "You have to go into science. You have a choice: chemistry or physics." Then my godfather got me an opportunity to work one summer at Kenyon & Kenyon, and it was the great cookie patent case of the Chewy Chips Ahoy [with the law firm representing defendant Nabisco]. I was helping on document review, and I went, "This is kind of cool."

### When you finished law school and joined a firm, what was diversity like there? What was it like being a woman in IP?



Mercedes K. Meyer

Younger female lawyers today are shocked when I tell them there were law firms that required women to wear pantyhose, and male attorneys were taking summer associates to strip clubs. I was sexually harassed. I was working for extra money at one small boutique, and the named partner felt me up right in front of the secretary, and she's like, "Don't worry about it. He's harmless." The choice back then was: Are you going to really file a suit? That could kill your career. I know women today are not thinking that way.

### **Can you tell me about your work with professional organizations?**

I got offered to be the vice chair of AIPLA's Women's Committee as an associate in 2003. At the beginning, I asked, "What's our mission and vision?" And [I] said, "Well, we're just gonna make this fun. We'll make it the place to be." I would get up at every other mixer at the conference and say, "Women's Committee at 7 o'clock in the morning. I don't care if you went on a bender the night before, show up. There's free food." Men were included, and they heard women's stories. A lot of men would come up to me and say, "This is the best session."

### **Where did the work go from there?**

When I was finishing up work with the AIPLA committee in 2005, one of the people in the committee said, "I saw this thing in Chicago for women's networking. Can we have a networking dinner for women?" Our first IP Women's Network had over 700 women around the U.S. and Canada. You no longer feel alone. You're like, "OK, there's other women like me."

When I showed up at my first IPO meeting, I looked around and went, "Oh boy, it's a sea of white dudes." I then got an email in 2016 — that I nearly deleted — saying, "You've been appointed vice chair of the Women's Committee." I asked, "Is this a joke? You don't have a Women's Committee." Then I thought, "This is the same recipe as AIPLA, just a different organization." So I said yes.

In our first year, we took the Women in IP Committee from nonexistent to one of the biggest committees at IPO.

### **You were one of the leaders behind a toolkit for companies and universities to empower women inventors. What inspired its creation, and what impact has it had?**

When the World Intellectual Property Organization's study on gender diversity came out in 2016, I looked at the disappointing statistics and said, "Why is this happening?" We had [technology transfer professionals nonprofit] AUTM's Women Inventor Committee representatives come speak at a monthly Women's Committee for IPO meeting, and I said, "I think we should investigate why and address the problem, instead of wringing our hands and going, 'This is horrible.'"

The subcommittee of the IPO's Women in IP Committee led by Sandra Nowak, assistant chief IP counsel at 3M, and me and other committee members, was formed to look for root causes. We were looking at what prevents women in a corporate setting from pursuing patents. Basically, we found that society had trained women to only advance ideas that were big or perfect, or otherwise not come forward.

Nowak testified for 3M and IPO before the Senate Judiciary Committee, and Sen. Thom Tillis, R-N.C., said "What can we do to help?" ... We kept the methodology of the toolkit simple and iterative: You have to first raise awareness, teach people and then keep repeating the process and seeing how your metrics improve over time.

### **Do you have advice for women in IP?**

Find a place where you fit in culturally and then be yourself. People can tell when you are putting on an image and not being yourself. I dress to stand out, to be found. I wear jewelry that stands out. Law is a culture of fear. You have to find a psychologically safe place to be able to be authentic, because that authenticity will bring you work.

--Editing by Jill Coffey.

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