

# WILSON SONSINI

## Matthew Bresnahan

PARTNER

Patents and  
Innovations  
*San Diego*  
*Los Angeles*

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## FOCUS AREAS

Biotech  
Intellectual Property  
Life Sciences  
Patents and Innovations

## HIGHLIGHTS

- Leader of the Southern California IP Counseling and Patent Strategy Practice**  
Matt and his team of more than 30 San Diego-based patent attorneys and patent agents are outside IP counsel to over 50 life sciences companies within the biotechnology, therapeutic, genomics, and medical device fields in Southern California.
- Legal Advisor to Innovative Life Sciences Companies in Southern California**  
Matt represents the likes of public companies Prometheus Biosciences (RXDX), RxSight (RXST), DermTech (DMTK), ImmunityBio (IBRX), Oncternal Therapeutics (ONCT), Scopus Biopharma (SCPS), and NantHealth (NH) in key IP strategy, patent prosecution, and IP matters related to public company offering and SEC reporting.
- Thought Leadership**  
Matt is a member of the Board of Governors of Biocom California, a member of the Board of Visitors of the University of San Diego School of Law, an Adjunct Professor of Law at the University of San Diego School of Law, where he has taught patent law for the past eight years, and he serves an advisor on medtech issues for the Center for Innovation and Entrepreneurship at Cal Poly.

## EXPERIENCE

Matt Bresnahan is a partner in the San Diego and Los Angeles offices of Wilson Sonsini Goodrich & Rosati, where he has focused his practice for the past fifteen years on establishing and building biotech companies. Matt's training is in all aspects of intellectual property, including strategic patent counseling, patent prosecution, licensing, and litigation. Matt is primary outside IP counsel to more than 50 life sciences companies within the biotechnology, therapeutic, genomics, and medical device fields in Southern California.

Matt leads a team of more than 30 patent attorneys and patent agents based in the San Diego office. A significant number of Matt's clients are life science spin-outs from, or collaborators with, the one or more of the major universities, hospitals, and research institutions in Southern California. Matt prosecutes patent applications before the U.S. Patent and Trademark Office (USPTO) and manages and oversees national and international patent portfolios for his clients. Matt has analyzed intellectual property portfolios and performed IP due diligence for venture capital firms and other investors and businesses in a variety of investment environments, including dozens of financings, mergers and acquisitions, and initial public offerings (IPOs). Matt also leads his team in conducting freedom to operate (FTO) analyses, drafting opinion letters of counsel, negotiating and drafting transactional agreements (including university spin-out license agreements), performing IP audits, and formulating and implementing IP strategies for both established and emerging growth companies. Matt also draws upon his strong patent trial experience, including deep experience in federal courts and at the

Patent Trial and Appeal Board at the USPTO, when advising and counseling clients on intellectual property and related business matters on a day-to-day basis.

Prior to joining the firm in 2007, Matt was an extern to the Honorable Rudi M. Brewster, a patent specialist judge, in the U.S. District Court for the Southern District of California. Matt assisted Judge Brewster with resolving several high-profile and precedent setting patent trials and other intellectual property proceedings, including patent, copyright, and trademark actions.

## CREDENTIALS

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### Education

- J.D., University of San Diego School of Law, 2007
- B.S., Biochemistry, California Polytechnic State University, San Luis Obispo, 2004

### Associations and Memberships

- Member, Board of Governors, Biocom California
- Member, American Bar Association
- Member, American Intellectual Property Law Association
- Member, Los Angeles Intellectual Property Law Association
- Member, San Diego Intellectual Property Law Association

### Honors

- Named in the 2022-2023 editions of *Chambers USA: America's Leading Lawyers for Business*, in which sources describe him as having been “extremely effective as an IP lawyer in both execution and advice”
- Named in the 2019-2023 editions of the *IAM Patent 1000: The World's Leading Patent Professionals*, in which he is “recommended by peers for his creative thinking around tricky strategic issues” in representation of a “swath of Southern California life sciences companies”
- Named to the 2015, 2016, and 2017 San Diego "Rising Stars" lists published by *Super Lawyers* magazine (top 2.5 percent of all attorneys in California under 40 years of age)
- Featured in a cover article titled "Students for Startups" in the University of San Diego School of Law alumni magazine (*The Advocate*, Winter 2012)
- Named a *San Diego Daily Transcript* Young Attorney in 2009
- Honored with the Wiley W. Manuel Award for Pro Bono Legal Services by the State Bar of California, 2009

### Admissions

- State Bar of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California
- U.S. Court of Appeals for the Federal Circuit
- U.S. Patent and Trademark Office

## MATTERS

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### Lead IP Counsel for the Following Select Active Clients

#### Therapeutics

- Prometheus Biosciences (RXDX) in connection with its IP strategy, global patent prosecution, and IP matters related to its public company offerings (including its \$190 million IPO) and SEC reporting obligations in support of its autoimmune and anti-inflammatory therapeutics and companion diagnostic programs.
- ImmunityBio (IBRX, formerly NantKwest) in connection with its IP strategy, including IP matters related to its public company offerings (including its \$207 million IPO) and SEC reporting obligations in support of its biologic oncology product pipeline.
- Oncternal Therapeutics (ONCT) in connection with its IP strategy, including IP matters related to public company offerings (including its going public transaction) and SEC reporting in support of its biologic therapeutic product pipeline, including monoclonal antibody and cell therapy oncology programs.
- Ossium Health in connection with its IP strategy and IP matters related to its venture capital financings in support of its biologic therapeutic product pipeline.
- ALASTIN Skincare in connection with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its peptide products for aesthetic medicine.

- Empirico in connection with its IP strategy and global patent prosecution for its biologic and small molecule therapeutic programs.
- JeniVision in connection with its IP strategy and global patent prosecution of its biopharmaceutical pipeline of eye and skin products.
- Lin Bioscience (and its spin-out Belite Bio) in connection with IP strategy, global patent prosecution, and IP matters related to its venture capital financing for its biopharmaceutical pipeline of ophthalmic therapeutic products.
- Octant in connection with its IP strategy, global patent prosecution, and IP matters related to its venture capital financing for its therapeutic pipeline.
- Novonco Therapeutics in connection with its IP strategy, global patent prosecution, and licensing agreements focused on its therapeutics portfolio.
- Orbsen Therapeutics in connection with its IP strategy, global patent prosecution, and licensing agreements focused on its stem cell therapies.
- Glo Pharma in connection with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its peptide products for skin applications.
- Dyve Bioscience in connection with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its several programs in development under 505(b)(2).
- Biograph55 in connection with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its biologic therapeutic product pipeline.
- Theradaptive with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its biologic therapeutic product pipeline.
- Spring Discovery with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its biologic therapeutic product pipeline.

### Genomics

- DermTech (DMTK) in connection with its IP strategy, global patent prosecution, and IP matters related to its public company offerings (including its going public transaction) and SEC reporting obligations in support of its melanoma and skin cancer detection Dx tests and product pipeline.
- NantHealth (NH) NantHealth in connection with its IP strategy and IP matters related to public company offerings (including its \$91 million IPO) and SEC reporting in support of its digital health platform.
- Prometheus Laboratories in connection with its IP strategy and global patent prosecution for its commercial laboratory based diagnostic tests (LDTs).
- Juno Diagnostics in connection with its IP strategy, global patent prosecution, and partnering agreements for its pipeline of non-invasive Dx test products.
- Nonigenex in connection with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its drug discovery platform and internal therapeutic pipeline.
- 1859 in connection with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its drug discovery platform and internal therapeutic pipeline.
- Amberstone in connection with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its drug discovery platform and internal antibody therapeutic pipeline.

### Medical Devices

- RxSight (RXST) in connection with its IP strategy and IP matters related to its public company offerings (including its \$120 million IPO) and SEC reporting obligations in support of its intraocular lens (IOL) medical device technology.
- TearClear in connection with its IP strategy and global patent prosecution for its therapeutic-medical device combination platform.
- Bexson Biomedical with its IP strategy, global patent prosecution, and IP matters related to its venture capital financings in support of its drug-device combination platform and pipeline of products.
- Tempo Therapeutics in connection with its IP strategy, global patent prosecution, and licensing agreements focused on its regenerative medicine medical device products.
- Auxilium Biotechnologies with its IP strategy, global patent prosecution, and IP matters related to its financings in support of its regenerative medicine medical device products.
- Black Light Surgical with its IP strategy, global patent prosecution, and IP matters related to its financings in support of its breast cancer diagnostic medical device platform.

### Research Institutions

- Cedars-Sinai Medical Center in connection with IP strategy and strategic patent prosecution for spin-out companies from the institution.
- La Jolla Institute for Immunology in connection with its IP strategy and strategic patent prosecution for spin-out companies from the institution.
- Ellison Institute in connection with IP planning and strategy for its spin-out from USC.
- Creation of multiple life science company spin-outs from each of the major academic institutions in Southern California.

## INSIGHTS

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### Select Publications

- Co-author with A. Umpierre and F. Tian, “Broad Genus Patents Must Be Enabled over the Full Scope of the Claims,” Wilson Sonsini Alert, May 24, 2023