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## **CURRENT APPOINTMENTS**

### **Texas A&M University, Fort Worth, TX**

Associate Professor, School of Law (July 2015–Present)

Associate Professor, College of Engineering (July 2016–Present)

- **Courses:** Patent Law; Remedies; Civil Procedure
- **Research:** Intellectual Property; Civil Procedure; Administrative Law; Law & Economics
- **Service:** Career Services and Externship Advisory/Oversight Committee; Curriculum Committee; Publications Committee; Faculty Advisor, *Journal of Property Law*

### **Duke University, Durham, NC**

Fellow, Duke Law Center for Innovation Policy (Apr. 2015–Present)

## **PRIOR EXPERIENCE**

### **Duke University, Durham, NC**

Faculty Fellow, Duke Law School (Jan. 2014–Mar. 2015)

Postdoctoral Associate, Duke Center for Public Genomics (Jan. 2014–Mar. 2015)

### **United States Patent and Trademark Office, Alexandria, VA**

Expert Advisor (July 2012–June 2015)

Attorney Advisor (May 2011–July 2012)

## **RESEARCH FELLOWSHIPS & GRANTS**

Thomas Edison Innovation Fellowship, George Mason University School of Law Center for the Protection of Intellectual Property (Nov. 2014–Jan. 2016)

NIH Center for Public Genomics Post-Doctoral Fellowship, National Human Genome Research Institute Award No. P50 HG003391 (Jan. 2014–Mar. 2015)

Duke Law Innovation Policy Fellowship, Duke Law School (Jan. 2014–Mar. 2015)

## **EDUCATION**

### **University of New Hampshire School of Law, Concord, NH (formerly Franklin Pierce Law Center)**

LL.M. Intellectual Property (2010)

J.D. (2010)

- *University of New Hampshire Law Review*, Associate Editor
- 2010 Giles Rich Moot Court, Southern Region, Best Advocate
- Judicial Extern, The Honorable Samuel Der-Yeghiayan, U.S. District Court for the Northern District of Illinois (Summer 2009)

### **Georgia Institute of Technology, Atlanta, GA**

B.S. Chemistry (2004)

## **WORKS IN PROGRESS**

*The Antitrust of Patentability*

*The Non-Doctrine of Redundancy*

*Collective Action and Joinder in Dual PTAB and District Court Proceedings* (with Arti Rai & Jay Kesan)

*Ex Post Patent Review: An Empirical Assessment* (with David Schwartz & Alan Marco)

*Copyright in the 20th Century* (with Zvi Rosen)

## **ARTICLES**

*The Field of Invention*, 45 HOFSTRA L. REV. (forthcoming 2017)

*An Intentional Tort Theory of Patents*, 68 FLA. L. REV. 571 (2016)

*Strategic Decision-Making in Dual PTAB and District Court Proceedings*, 31 BERKELEY TECH. L.J. 45 (2016) (with Arti Rai & Jay Kesan)

*When Biopharma Meets Software: Bioinformatics at the Patent Office*, 29 HARV. J.L. & TECH. 205 (2015) (with Arti Rai)

*The USPTO Patent Pro Bono Program*, 7 CYBARIS: INTELL. PROP. L. REV. 1 (2015) (with Jennifer McDowell)

*What's It Worth to Keep a Secret?*, 13 DUKE L. & TECH. REV. 116 (2015) (with Gavin Reid & Nicola Searle)

*The Mouse That Trolled*, 2 J.L. & BIOSCI. (2015) (with Tania Bubela & Robert Cook-Deegan)

- *The Mouse That Trolled (Again): Response to Commentaries*, 3 J.L. & BIOSCI. (2016) (with Tania Bubela & Robert Cook-Deegan)

*Expired Patents*, 64 CATH. U. L. REV. 419 (2015)

*Gender Diversity in the Patent Bar*, 14 J. MARSHALL REV. INTELL. PROP. L. 67 (2014)

*Certain Patents*, 16 YALE J.L. & TECH. 103 (2013) (with Alan Marco)

*Of Smart Phone Wars and Software Patents*, 27 J. ECON. PERSP. 67 (2013) (with Stuart Graham)

*Pre-Service Removal in the Forum Defendant's Arsenal*, 47 GONZ. L. REV. 147 (2011)

*Reconceiving the Patent Rocket Docket*, 11 J. MARSHALL REV. INTELL. PROP. L. 58 (2011)

## **BOOKS & BOOK CHAPTERS**

A TORT THEORY OF PATENT LITIGATION: HISTORY & REFORM (Cambridge Univ. Press, in progress)

*The Patent Trial and Appeal Board* (with Arti Rai & Jay Kesan), in RESEARCH HANDBOOK ON THE LAW & ECONOMICS OF INTELLECTUAL PROPERTY, VOL. II: ANALYTICAL METHODS (Peter Menell & David L. Schwartz, eds.) (Edward Elgar Publishing, forthcoming 2016)

## **ESSAYS & COMMENTARIES**

*The Youngest Patent Validity Proceeding: Evaluating Post-Grant Review*, 25 TEX. INTELL. PROP. L.J. (forthcoming 2016)

*Precedent and Process in the Patent Trial and Appeal Board*, Guest Post on the PATENTLYO Blog (May 10, 2016)

*Ariosa v. Sequenom: In Search of Yes After a Decade of No*, NAT'L L. REV. (Dec. 4, 2015)

*Commil v. Cisco and the Tort of Patent Infringement*, Invited Post on the WRITTEN DESCRIPTION Blog (Dec. 9, 2014)

*What Patent Attorney Fee Awards Really Look Like*, 63 DUKE L.J. ONLINE 15 (2014)

*The Growing Public Domain in Medicine*, 15 COLUM. SCI. & TECH. L. REV. 293 (2014)

*Cognitive Economy and the Trespass Fallacy: A Response to Professor Mossoff*, 65 FLA. L. REV. F. 38 (2014)

## **JUDICIAL & GOVERNMENTAL CITATIONS**

FED. TRADE COMM'N, [PATENT ASSERTION ENTITY ACTIVITY: AN FTC STUDY](#) (Oct. 2016)

*Shaw Indus. Group v. Automated Creel Sys.*, 817 F.3d 1293 (Fed. Cir. 2015) (Reyna, J., conc.)

OECD, [SUPPORTING INVESTMENT IN KNOWLEDGE CAPITAL, GROWTH AND INNOVATION](#) (2013)

Government Accountability Office Report No. 13-465, [ASSESSING FACTORS THAT AFFECT PATENT INFRINGEMENT LITIGATION COULD HELP IMPROVE PATENT QUALITY](#) (2013)

*Harvey v. Shelter Ins. Co.*, 2013 WL 1768658 (E.D. La. 2013)

*Campbell v. Hampton Roads Bankshares, Inc.*, 925 F.Supp.2d 800 (E.D. Va. 2013)

## **BRIEFS & PUBLIC FILINGS**

### Principal or Contributing Drafter

Brief of Amici Curiae First Amendment Scholars & First Amendment Lawyers Ass'n in Support of Petitioners, [Expressions Hair Design v. Schneiderman](#), No. 15-1391 (Sup. Ct., Nov. 21, 2016)

Comment to the SEC in Support of the Enhanced Disclosure of Patent and Technology License Information, [Concept Release: Business and Financial Disclosure Required by Regulation S-K](#), File No. S7-06-16 (Sec. Exch. Comm'n, July 22, 2016)

[Brief of Amici Curiae First Amendment Scholars in Support of Petition for a Writ of Certiorari, \*Expressions Hair Design v. Schneiderman\*, No. 15–1391 \(Sup. Ct., June 15, 2016\)](#)

[Brief of Professor Saurabh Vishnubhakat as Amicus Curiae in Support of Respondent, \*Commil USA, LLC v. Cisco Systems, Inc.\*, No. 13–896 \(Sup. Ct., Feb. 26, 2015\)](#)

[Brief of Amicus Curiae Franklin Pierce Law Center on En Banc Rehearing in Support of the USPTO, \*Hyatt v. Kappos\*, No. 2007–1066 \(Fed. Cir., May 24, 2010\) \(with Pierce Law IP Amicus Brief Clinic\)](#)

#### Cosignatory

[Brief of Amici Curiae First Amendment Scholars and Legal Organizations in Support of Plaintiff IMDb.com, Inc.’s Motion for Preliminary Injunction, \*IMDb.com v. Harris\*, No. 3:16-cv-06535-VC \(N.D. Cal., Jan. 12, 2017\)](#)

[Brief of 19 Law Professors as Amici Curiae in Support of Petition for a Writ of Certiorari, \*Sequenom, Inc. v. Ariosa Diagnostics, Inc., et al.\*, No. 15–1182 \(Sup. Ct., Apr. 20, 2016\)](#)

[Brief of Amicus Curiae Twenty-Three Law Professors in Support of Appellants’ Petition for Rehearing En Banc, \*Ariosa Diagnostics, Inc., et al. v. Sequenom, Inc., et al.\*, Nos. 2014–1139, 2014–1144 \(Fed. Cir., Aug. 27, 2015\)](#)

#### **PUBLIC FORUMS & MEDIA**

[USPTO-Duke-Santa Clara Roundtable on Patent Quality](#) (Dec. 13, 2016)

The Texas Lawbook, [“TransData Poses Billion-Dollar Issue for Itron, Landis+Gyr”](#) (May 24, 2016)

Law360, [“Most PTAB Petitions Involve Underlying Litigation: Report”](#) (Feb. 12, 2016)

[Chicago-Kent Supreme Court IP Review](#) (Sept. 25, 2015)

[Duke Law Roundtable on the Patent Trial and Appeal Board](#) (June 3, 2015)

[American University Supreme Court Series](#) (Mar. 31, 2015)

[This Week in Law, Episode No. 295](#) (Mar. 6, 2015)

#### **PRESENTATIONS**

1. Invited Panelist, USPTO-Duke-Santa Clara Conference on Patent Quality (Dec. 13, 2016)
2. Featured Panelist, *Strategic Decision Making in Dual PTAB and District Court Proceedings*, Biotechnology Innovation Organization IP Counsels Committee Conference (Nov. 16, 2016)
3. *Patent Data Beyond the Water’s Edge*, Indiana University School of Law [Issues on International and Comparative Intellectual Property](#) Colloquium (Oct. 20, 2016)
4. *The Non-Doctrine of Redundancy*, University of New Hampshire School of Law (Oct. 13, 2016)
5. Federalist Society Colloquium: *Hayek on Law, Legislation & Liberty* (Sept. 23–24, 2016)
6. *The Non-Doctrine of Redundancy*, Texas Legal Scholars Workshop (Aug. 26–27, 2016)

7. *The Non-Doctrine of Redundancy*, 16th IP Scholars Conference (Aug. 11–12, 2016)
8. *The Antitrust of Patentability*, SEALS Conference New Scholars Workshop (Aug. 7, 2016)
9. Moderator: *Intellectual Property Exceptionalism*, SEALS Conference (Aug. 5, 2016)
10. *The Non-Doctrine of Redundancy*, Oklahoma Junior Scholars Workshop (July 28–29, 2016)
11. *Patent Error-Correction and Incentives to Innovate*, Global Innovation Law Summit, University of Washington School of Law (July 22, 2016)
12. Opening Address, *Unpacking the U.S. IP-Intensive Industries Report*, Conference on IP in Economics and Economics in IP, Renmin University of China (July 14–15, 2016)
13. Discussant (with Greg Vetter): Thomas F. Cotter, *Patent Damages Heuristics*, Conference on Patent Damages, University of Texas School of Law (June 9–10, 2016)
14. *Emerging Technologies and Patent Data: Foundations for Policy Development*, 8th Conference on Innovation and Communications Law, University of Eastern Finland (May 25, 2016)
15. *Legal Doctrine and Institutional Detail at the Patent Office*, Guest Lecture: Intellectual Property Survey, University of Washington School of Law (May 11, 2016)
16. *The Antitrust of Patentability*, Vanderbilt Law IP Scholars Roundtable (Apr. 28–29, 2016)
17. *The Field of Invention*, Texas A&M Law Faculty Colloquium (Apr. 27, 2016)
18. *The Non-Doctrine of Redundancy*, Texas A&M Law Symposium: Intellectual Property in All the New Places (Apr. 15–16, 2016)
19. *The Antitrust of Patentability*, PatCon 6: The Patent Conference (Apr. 8–9, 2016)
20. *The Field of Invention*, Notre Dame Law School Junior Patent Roundtable (Apr. 1, 2016)
21. *The Youngest Patent Validity Proceeding*, Texas Intellectual Property Law Journal Symposium on Patent and Trademark Office Proceedings (Mar. 4, 2016)
22. *The Antitrust of Patentability*, Mizzou Law Faculty Colloquium (Mar. 2, 2016)
23. *The Antitrust of Patentability*, 13th Works-in-Progress IP Colloquium (Feb. 19–20, 2016)
24. *Post-Grant Proceedings*, Fourth Annual Naples Patent Experts Conference (Feb. 8–9, 2016)
25. *Recent Ethics/Malpractice Developments for Attorneys Handling Patent Litigation*, 53rd Annual CAIL Conference on Intellectual Property Law (Nov. 16–17, 2015) (with Susan Fortney)
26. Invited Discussant, GMU Research Symposium on Patent Valuation (Oct. 29–30, 2015)
27. *The Field of Invention*, Michigan State Junior Faculty Workshop (Oct. 23, 2015)
28. *The Antitrust of Patentability*, Texas A&M IP Scholars Roundtable (Oct. 9–10, 2015)
29. *The Field of Invention*, Texas Legal Scholars Workshop (Aug. 28–29, 2015)

30. *The Field of Invention*, 15th IP Scholars Conference (Aug. 6–7, 2015)
31. *The Field of Invention*, University of Oklahoma Junior Scholars Conference (July 23–24, 2015)
32. Invited Panelist, Duke Law Roundtable on PTAB Post-Grant Review Proceedings (June 3, 2015)
  - *Strategic Decisions by Parties in PTAB Proceedings* (with Jay Kesan & Arti Rai)
  - *What Ex Post Review Has Revealed About Patents* (with Alan Marco & David Schwartz)
33. Moderator: *Is Intellectual Property Being Allowed to Work in the Pharm. and Biotech Industries?*, GMU Roundtable on Patented Innovation in the Biotech and Pharm. Industries (May 28–29, 2015)
34. Invited Junior Commentator, University of Houston Administrative Law Workshop (Apr. 18, 2015)
35. *The Rise of Bioinformatics Examination at the Patent Office*, 12th Works-in-Progress IP Colloquium (Feb. 6–7, 2015) (with Arti Rai)
36. Panelist, University of San Diego School of Law Patent Conference (Jan. 17, 2015)
  - *Patent Propagation* (workshop presentation of project proposal)
  - *Estimating the Effectiveness of Ex Post Patent Review* (with Alan Marco & David Schwartz)
37. *Gender Diversity in the Patent Bar*, Opening Address at the Duke Law School Panel on Women in Patent Law (Nov. 17, 2014)
38. *An Intentional Tort Theory of Patents*, 4th UNH IP Scholars Roundtable (Nov. 21–22, 2014)
39. *Ex Post Patent Review: An Empirical Assessment*, Chicago-Kent-USPTO Roundtable on Empirical Methods in Intellectual Property (Sept. 19–20, 2014) (with David Schwartz)
40. *A Relevant Intent Theory of Patents*, 14th IP Scholars Conference (Aug. 7–8, 2014)
41. *How to Lose Friends and Troll Patents*, CLE Talk at Myers Bigel Sibley & Sajovec (July 29, 2014)
42. Moderator: *SEP Remedies and Their Impact on Private Ordering in Standard Setting*, GMU Roundtable on Software Patents (May 8–9, 2014)
43. Panelist, Searle/Northwestern Software and Business Method Patents Roundtable (Apr. 24–25, 2014)
  - *How Has the Covered Business Method Program Worked?* (with David Schwartz)
  - *Federally Funded Software Patents* (with Arti Rai)
  - *Of Smart Phone Wars and Software Patents* (with Stuart Graham)
44. *Informatic Patents from Software to Genes*, Annual IP Student Association Lecture at the Wake Forest University School of Law (Apr. 10, 2014)
45. *Ex Post Assessment, Human Rights, and the Public Domain*, PatCon 4 Conference (Apr. 4–5, 2014)
46. *Cognitive Economy and the Trespass Fallacy*, Drake IP Scholars Roundtable (Mar. 28–29, 2014)
47. *The Patent Bar Gender Data File*, 11th Works-in-Progress IP Colloquium (Feb. 7–8, 2014)
48. Panelist, GMU-Fenwick & West Roundtable on Patent-Eligible Subject Matter (Jan. 31, 2014)
49. *The Growing Public Domain in Medicine*, Whittier Global Medicine Symposium (Nov. 8, 2013)

50. Discussant: Valentine Millot, *Are Trademarks and Patents Complementary or Substitute Protections for Innovation?*, USPTO Workshop on Empirical Trademark Studies (Sept. 26–27, 2013)
51. *Expired Patents*, 13th IP Scholars Conference (Aug. 8–9, 2013)
52. *Intellectual Property and the Economics of Innovation*, Address to a Delegation from China’s Jiangsu Province to the U.S. Patent & Trademark Office (June 26, 2013)
53. *Intellectual Property and the Economics of Innovation*, Address to the U.S. Chamber of Commerce Dialogue on China (May 1, 2013)
54. *Valuing Certainty in Patent Rights*, 10th Works-in-Progress IP Conference (Feb. 22–23, 2013)
55. *Reconceiving the Patent Rocket Docket*, 12th IP Scholars Conference (Aug. 9–10, 2012)
56. *Strategic Management of IP Assets: Policy Lessons*, Address to the IPEX Conference on Monetizing and Managing IP Assets for Business Excellence, Hyderabad, India (July 27–28, 2012)
57. *Intellectual Property and Economics*, Address to a Delegation from the Korean Intellectual Property Office to the U.S. Patent & Trademark Office (June 25, 2012)
58. *Reconceiving the Patent Rocket Docket*, PatCon 2: The Patent Conference (May 11–12, 2012)
59. Discussant: Barak D. Richman, *The Provider-Monopoly Problem in Health Care*, DOJ-FTC-PTO Seminar Series (Apr. 26, 2012)
60. *Health Issues and the USPTO Office of Chief Economist*, Lecture at the American University Washington College of Law Right to Health and Access to Medicines Practicum (Feb. 24, 2012)
61. *Rocket Dockets in Patent Litigation*, Lecture at the William & Mary Law School (Feb. 9, 2012)
62. *Fostering Innovation*, Address to a Delegation from the Iraqi Inter-Ministerial Committee on Innovation, Research, and Development to the U.S. Patent and Trademark Office (Oct. 11, 2011)
63. *Economics of Intellectual Property*, Lecture at the WIPO Summer School (Aug. 4, 2011)
64. *Understanding Myriad*, Lecture at the WIPO Summer School (Aug. 4, 2011)
65. *Principles of U.S. Trademark Law*, Address to a Delegation from the Korean Intellectual Property Office to the U.S. Patent and Trademark Office (July 11, 2011)
66. *IPR Protection and Enforcement: An Economic Perspective*, Lecture at the U.S. Patent and Trademark Office Global Intellectual Property Academy (June 15, 2011)
67. *Economic Research at the USPTO and Federal IP Policymaking*, Lecture at the University of New Hampshire School of Law (Mar. 24, 2011)
68. *IP Protection and Enforcement: Principles of U.S. Trademark Law*, Address to a Delegation of Korean Scientists and Researchers to the U.S. Patent and Trademark Office (Feb. 14, 2011)
69. *The USPTO Economics Research Agenda*, Address to the TechAmerica Intellectual Property Counsel Committee (Nov. 9, 2010) (with Galen Hancock)

70. *Commercial Speech and the First Amendment*, Guest Lecture at Vermont Law School (Mar. 9, 2010)
71. *Predicting Tailored Substrate Specificity for a Natural Product Analog: A Test Case in Computational Enzyme Design*, 57TH SE / 61ST SW REG'L MTG. AM. CHEM. SOC'Y (2005)
72. *Controlled Macromolecule Release from Poly-N-Isopropylacrylamide-co-Acrylic Acid (p-NIPAm-co-AAc) Microgels in Solution*, 1ST SE CONF. UNDERGRAD. RES. EMORY (2003)
73. *A Look at Chromosome 14 Ring-Inherited Tonic-Clonic Seizure Disorder*, Case Study Presentation to Neurology Rotation Class, Emory School of Medicine (2003)
74. *A Look at Chronic Inflammatory Demyelinating Polyradiculoneuropathy*, Case Study Presentation to Neurology Rotation Class, Emory School of Medicine (2003)

## **PROFESSIONAL SERVICE**

### **IP & IT Conferences Online Calendar**

Owner and Operator, inherited from Prof. Michael Madison (2016–Present)

### **Patent Litigation Data Working Group**

Advisory Board Member (2015–Present)

### **12th Works-in-Progress Intellectual Property Colloquium**

Co-Lead Organizer with the GW Law School and the Kauffman Foundation (2013–2015)

### **United States Economic Development Administration**

Interagency Review Panelist, i6 Green Challenge Initiative (2011)

### **Supreme Court of New Hampshire**

IT Consultant to the Attorney Discipline Office (2008–2010)

## **BAR ADMISSIONS**

Supreme Court of the United States (2015–Present)

United States Court of Appeals for the Federal Circuit (2015–Present)

State Bar of Illinois (2010–Present)