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CURRENT

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL
PROFESSOR, 2005 –
ASSISTANT PROFESSOR, 2000 – 2005
Robert A. Gorman Award for Excellence in Teaching, 2006

EDUCATION

STANFORD LAW SCHOOL
JURIS DOCTOR, JUNE 1998
Order of the Coif

LONDON SCHOOL OF ECONOMICS
ROGER M. JONES FELLOW, 1994 – 1995

UNIVERSITY OF MICHIGAN
B.S.E, NAVAL ARCHITECTURE & MARINE ENGINEERING, DECEMBER 1993
Summa Cum Laude

COLLEGE OF CHARLESTON
B.S., PHYSICS, DECEMBER 1993 (3-2 ENGINEERING PROGRAM)
Magna Cum Laude

PUBLICATIONS

Patenting adverse event information: A commentary from the patent law
PHARMACOEPIDEMIOLOGY & DRUG SAFETY; 15: 396-97 (2006).

The Perfect Storm: Intellectual Property and Public Values
72 FORD. L. REV. 423 (2005).

Reconsidering the DMCA
42 HOU. L. REV. 1107 (2005).

Patent Portfolios
154 U. PENN. L. REV. 1 (2005) (with G. Parchomovsky)

On Software Regulation
78 S. CAL. L. REV. 457 (2005).

Exactly Backwards: A Comment on Technological Exceptionalism in the Patent Law
54 CASE W. RES. L. REV. 749 (2004).

Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance
152 U. PENN. L. REV. 1105 (2004) (with L. Petherbridge).

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Of Patents and Path Dependency: A Comment on Burk & Lemley
18 BERKELEY TECH. L. J. 1341 (2004).

(Mostly) Against Exceptionalism
IN F. SCOTT KIEFF, ADVANCES IN GENETICS 50:367 (2003).

Information Wants to Be Free: Intellectual Property and the Mythologies of Control
103 COLUM. L. REV. 995 (2003).

Reconsidering Estoppel: Patent Administration & the Failure of Festo
151 U. PENN. L. REV. 159 (2002).

Realspace Sovereigns in Cyberspace: Problems with the ACPA
17 BERKELEY TECH. L. J. 989 (2002) (with C. Struve)

The Myth of Private Ordering: Rediscovering Legal Realism in Cyberspace
73 CHI-KENT L. REV. 1295 (1999) (with Margaret Jane Radin).

Filters and the First Amendment
83 MINN. L. REV. 755 (1999).

The Medium is the Mistake: The Law of Software for the First Amendment
51 STAN. L. REV. 387 (1999) (student note).

BRIEFS

Brief of Business and Law Professors as Amici Curiae in Support of Respondents, in KSR Int'l v. TeleFlex, Inc., No. 04-1350 (USSC October 16, 2006).

Amicus Brief of Various Law & Economics Professors as Amicus Curiae in favor of Respondent, in eBay v. MercExchange, No. 05-130 (USSC May 15, 2006).

Amicus Brief of Patent Law Professors, in Phillips v. AWH Corp., No. 03-1269 (Fed. Cir. 2004) (en banc).

SHORT
WORKS

"A Teaching, Suggestion, or Motivation to Combine": Bringing Structure and Clarity to the Obviousness Analysis
155 U. PENN. L. REV. PENNUMBRA 96 (2006)

Comments on "Stealth Marketing and Editorial Integrity"
85 TEXAS L. REV. SEE ALSO 17 (2006)

WORKS IN
PROGRESS

PATENT LAW CONCEPTS AND INSIGHTS
Forthcoming, Foundation Press 2007 (with C. Nard).

The Federal Circuit and Patentability: An Empirical Assessment of the Law of Obviousness
85 TEX. L. REV. __ (forthcoming, 2007) (with L. Petherbridge)

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Did Phillips Change Anything? Empirical Analysis of the Federal Circuit's Claim Construction (with L. Petherbridge) (available at www.claimconstruction.com/)

THE OBVIOUSNESS PROJECT (www.obviousness.com/)

Ongoing research project.

THE CLAIM CONSTRUCTION PROJECT (www.claimconstruction.com/)

Ongoing research project.

PRESENTATIONS

Getting Past Patent Trolls: Patent Enforcement in the 21st Century
WASEDA UNIVERSITY, TOKYO, JAPAN (MARCH 2007)

The U.S. Law of Patentability: Theory, Law & Evidence
WASEDA UNIVERSITY, TOKYO, JAPAN (MARCH 2007)

Did Phillips Change Anything? Empirical Analysis of the Federal Circuit's Claim Construction
TOKYO MEDICAL & DENTAL UNIVERSITY, TOKYO, JAPAN (MARCH 2007)

Getting Past Patent Trolls: Patent Enforcement in the 21st Century
THE OHIO STATE UNIVERSITY, COLUMBUS, OH (FEBRUARY 2007)

The Federal Circuit and Patentability: An Empirical Assessment of the Law of Obviousness
RUTGERS-CAMDEN LAW SCHOOL, CAMDEN, NJ (FEBRUARY 2007)

The Federal Circuit and Patentability: An Empirical Assessment of the Law of Obviousness
UNIVERSITY OF TEXAS LAW SCHOOL, AUSTIN, TX (NOVEMBER 2006)

The Federal Circuit and Patentability: An Empirical Assessment of the Law of Obviousness
PHILADELPHIA-AREA COLLOQUIUM, PHILADELPHIA, PA (OCTOBER 2006)

Did Phillips Change Anything? Empirical Analysis of the Federal Circuit's Claim Construction
SANTA CLARA LAW SCHOOL, SANTA CLARA, CA (OCTOBER 2006).

Unfree Culture? (A Debate with Larry Lessig for the Penn Reading Project)
UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA (SEPTEMBER 2006) .

The Patent Quality Index Project
ROHM & HAAS, INC., PHILADELPHIA, PA (JUNE 2006).

Innovation and Access in Open-Source Pharmaceuticals
TEMPLE LAW SCHOOL, PHILADELPHIA, PA (FEBRUARY 2006).

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The Patent Quality Index Project

US PATENT AND TRADEMARK OFFICE, ALEXANDRIA, VA (DECEMBER 2005).

Claim Construction at the Federal Circuit: An Update

BAR ASSOCIATION OF PHILADELPHIA, PHILADELPHIA, PA (DECEMBER 2005)

The Federal Circuit's Innovation Policy

COMMERCIALIZING INNOVATION CONFERENCE, WASHINGTON UNIVERSITY,
ST. LOUIS, MO (NOV. 2005)

Predicting the Federal Circuit: The Example of Claim Construction

HOUSTON INTELLECTUAL PROPERTY LAW ASSOCIATION (HIPLA) ANNUAL
CONFERENCE, HOUSTON, TX (OCT. 2005)

Is the Federal Circuit Succeeding?

2005 INTELLECTUAL PROPERTY OWNERS' (IPO) ANNUAL MEETING, SEATTLE,
WA (SEPT. 2005)

Is the Federal Circuit Succeeding?

BIO 2005, PHILADELPHIA, PA (JUNE 2005)

Reconsidering the DMCA

2005 IPIL/HOUSTON SANTA FE CONFERENCE, SANTA FE, NM (JUNE 2005)

The Perfect Storm: Intellectual Property and Public Values

FORDHAM LAW SCHOOL INFORMATION SOCIETY CONFERENCE
NEW YORK, NY (APRIL 2005)

Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance

ASSOCIATION OF CORPORATE PATENT COUNSEL WINTER MEETING
MIAMI, FLORIDA (FEBRUARY 2005)

Decision-Making at the Federal Circuit: An Empirical Analysis and Update

AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION ANNUAL MEETING
WASHINGTON, DC (OCTOBER 2004)

Patent Portfolios

UNIVERSITY OF CALIFORNIA, BERKELEY (BOALT HALL)
BERKELEY, CA (OCTOBER 2004)

Patent Portfolios

2004 INTELLECTUAL PROPERTY SCHOLARS CONFERENCE
LOYOLA UNIVERSITY LAW SCHOOL
CHICAGO, IL (AUGUST 2004)

Patent Portfolios

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL
PHILADELPHIA, PA (JULY 2004)

A Perfect Storm: Fair Use in the Modern Scholarly Domain

ANNENBERG SCHOOL FOR COMMUNICATIONS (U. OF PENNSYLVANIA)
PHILADELPHIA, PA (JUNE 2004).

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UNIVERSITY OF VIRGINIA LAW SCHOOL
CHARLOTTESVILLE, VA (APRIL 2004)

Information Wants to Be Free: Intellectual Property and the Mythologies of Control
NEW YORK UNIVERSITY LAW SCHOOL
NEW YORK, NY (JANUARY 2004)

Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance.
FISH & RICHARDSON SEMINAR SERIES
WILMINGTON, DE (DECEMBER 2003) (BROADCAST)

Exactly Backwards: A Comment on Technological Exceptionalism in the Patent Law
THE PAST, PRESENT & FUTURE OF THE FEDERAL CIRCUIT
CASE WESTERN RESERVE UNIVERSITY LAW SCHOOL
CLEVELAND, OH (NOVEMBER 2003)

The Case Against Software
THE PENN-TEMPLE-WHARTON COLLOQUIUM
PHILADELPHIA, PA (NOVEMBER 2003)

Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance
FEDERALIST SOCIETY, INTELLECTUAL PROPERTY SECTION
NEW YORK, NY (OCTOBER 2003)

Plate Tectonics: Copyright vs. the First Amendment
CONSTITUTIONAL LAW CONCLAVE 2003
PHILADELPHIA, PA (OCTOBER 2003)

Current Issues in Cyberlaw & Intellectual Property
JUDGES' RETREAT, US DISTRICT COURT, EASTERN DISTRICT OF PENNSYLVANIA
ST. MICHAEL'S, MD (OCTOBER 2003)

Is the Federal Circuit Succeeding? An Empirical Look at Claim Construction
AMERICAN LAW & ECONOMICS ASSOCIATION
TORONTO, CANADA (SEPTEMBER 2003)

The Case Against Software
THE INTELLECTUAL PROPERTY SCHOLARS CONFERENCE
BERKELEY, CA (AUGUST 2003)

Biotechnological Patent Law: A Troubling Trend
BIO 2003 CONFERENCE
WASHINGTON, DC (JULY 2003)

Standardizing the (Online) Legal Infrastructure
WHARTON E-BUSINESS CONFERENCE 2003
PHILADELPHIA, PA (APRIL 2003)

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THE GEORGE WASHINGTON UNIVERSITY INTELLECTUAL PROPERTY SPEAKERS' SERIES,
WASHINGTON, D.C. (MARCH 2003)

Information Wants to Be Free: Intellectual Property and the Mythologies of Control
THE UNIVERSITY OF MICHIGAN LAW SCHOOL INTELLECTUAL PROPERTY WORKSHOP SERIES,
ANN ARBOR, MICHIGAN (FEBRUARY 2003)

Cyberproperty
THE STANFORD LAW SCHOOL INTELLECTUAL PROPERTY WORKSHOP SERIES, STANFORD,
CALIFORNIA (JANUARY 2003)

Information Wants to Be Free: Intellectual Property and the Mythologies of Control
THE 2003 WHARTON LEGAL STUDIES COLLOQUIUM, PHILADELPHIA, PENNSYLVANIA
(NOVEMBER 2002)

Privacy in the Networked Digital Age
THE 2002 LAVENDER LAW CONFERENCE, PHILADELPHIA, PENNSYLVANIA (OCTOBER
2002)

Information Wants to Be Free: Intellectual Property and the Mythologies of Control
THE 30TH RESEARCH CONFERENCE ON COMMUNICATION, INFORMATION AND INTERNET
POLICY (TPRC), ALEXANDRIA, VIRGINIA (SEPTEMBER 2002)

(Mostly) Against Exceptionalism
THE INTELLECTUAL PROPERTY COLLOQUIUM, THE WASHINGTON UNIVERSITY
CONFERENCE SERIES ON LAW & THE HUMAN GENOME PROJECT, ST. LOUIS,
MISSOURI (APRIL 2002)

Realspace Sovereigns in Cyberspace: The Case of Domain Names
THE 29TH RESEARCH CONFERENCE ON COMMUNICATION, INFORMATION AND INTERNET
POLICY (TPRC), ALEXANDRIA, VIRGINIA (SEPTEMBER 2001)

The Challenges of Online Music
NAPSTER & BEYOND: PROTECTING COPYRIGHT IN THE DIGITAL MILLENNIUM,
TEMPLE UNIVERSITY (APRIL 2001)

Filtering the 'Net: A Governmental Role
THE UNIVERSITY OF PENNSYLVANIA LAW SCHOOL-WHARTON SEMINAR
SERIES ON ECOMMERCE REGULATION, PHILADELPHIA, PENNSYLVANIA
(OCTOBER 2000)

TEACHING

INTRODUCTION TO INTELLECTUAL PROPERTY LAW & POLICY (1L PERSPECTIVE)
Spring 2007, Spring 2006, Spring 2005, Spring 2004, Spring 2003

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PATENT LAW

Spring 2007, Spring 2006, Spring 2005, Spring 2004, Spring 2003, Spring 2002, Spring 2001

GILES S. RICH INTELLECTUAL PROPERTY MOOT COURT

AY 2006-07, AY 2005-06, AY 2004-05, AY 2002-03

ELECTRONIC COMMERCE

Fall 2001, Fall 2000

ADVANCED PATENT LAW (SEMINAR)

Fall 2006

ADVANCED TOPICS IN INTELLECTUAL PROPERTY (SEMINAR)

Fall 2005, Fall 2004

ADVANCED INTELLECTUAL PROPERTY: THE FUTURE OF IDEAS (SEMINAR)

Fall 2002

STRATEGIC INTELLECTUAL PROPERTY (SEMINAR)

Spring 2002

INSTITUTIONAL SERVICE

ADMISSIONS COMMITTEE

Chair, 2006-07; Member: 2002-03, 2001-02

TECHNOLOGY COMMITTEE

Member: 2006-07, 2004-05, 2003-04, 2001-02, 2000-01

SEARCH COMMITTEE FOR DEAN OF ADMISSIONS

2006-07, 2002-03

CONFLICT OF INTEREST STANDING COMMITTEE (CISC) (*University-Wide*)

Member: 2006-07, 2005-06, 2004-05, 2003-04, 2002-03

CENTER FOR TECHNOLOGY TRANSFER GOVERNING BOARD (*University-Wide*)

Member: 2006-07

PROVOST'S COUNCIL ON RESEARCH (*University-Wide*)

Member: 2006-07, 2005-06, 2004-05

APPOINTMENTS COMMITTEE

Member: 2005-06

LEVY SCHOLARS PROGRAM

Advisor: 2003-04

UNIVERSITY COMMUNICATIONS COMMITTEE (*University-Wide*)

Member: 2003-04, 2002-03

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AD HOC SEMINAR SERIES

Organizer: Summer 2004, 2003-2004 (with D. Skeel), 2002-03, Summer 2002 (with M. Knoll)

WILSON FELLOWS IN HIGH-TECHNOLOGY

Advisor/Organizer: 2002-03 (*Weekly seminars & advisory functions*)

PHILADELPHIA AREA 'CYBERLUNCH' DISCUSSION GROUP

Organizer: 2004-05, 2003-04, 2002-03, 2001-02

UNIVERSITY OF PENNSYLVANIA CENTER FOR TECHNOLOGY TRANSFER

Board of Advisors: 2004-05, 2003-04, 2002-03, 2001-02

INSTITUTE FOR STRATEGIC THREAT AND RESPONSE (ISTAR) (*Penn institute*)

Affiliate: 2003-04, 2002-03, 2001-02

INSTITUTE FOR LAW & ECONOMICS WORKSHOP SERIES

Organizer: 2001-02 (with M. Knoll)

SEARCH COMMITTEE FOR DIRECTOR OF INFORMATION TECHNOLOGY

2000-01

PENN INTELLECTUAL PROPERTY INTEREST GROUP

Advisor: 2004-05, 2003-04, 2002-03, 2001-02

OTHER EMPLOYMENT

HONORABLE RAYMOND C. CLEVINGER, III
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT
LAW CLERK, 1998 – 2000

WEIL, GOTSHAL & MANGES, LLP — SILICON VALLEY OFFICE
SUMMER ASSOCIATE, MAY – AUGUST 1997

D'ALESSANDRO & RITCHIE, LLP
SUMMER ASSOCIATE, MAY – AUGUST 1996

DIVISION OF STUDENT AFFAIRS, UNIVERSITY OF MICHIGAN
POLICY DEVELOPMENT, SPRING 1994

MARINE HYDRODYNAMICS LAB, UNIVERSITY OF MICHIGAN
STUDENT RESEARCHER, SUMMER 1993

PROFESSIONAL MEMBERSHIPS

ADMITTED TO PRACTICE IN THE STATE OF CALIFORNIA
ADMITTED TO PRACTICE BEFORE THE U.S. PATENT AND TRADEMARK OFFICE
UNITED STATES SAILING ASSOCIATION