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University of Richmond School of Law
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Richmond, VA 23173
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EMPLOYMENT

University of Richmond School of Law

Professor of Law, 2009-Present

Associate Professor of Law, 2006-2009

Tulane University School of Law

Associate Professor of Law, 2003-2006

C.J. Morrow Research Associate Professor of Law, 2005-2006.

Fish & Richardson P.C.

Intellectual Property Litigation Associate, 2001-2003

Honorable Alvin A. Schall, United States Court of Appeals for the Federal Circuit

Law Clerk, 1999-2001

Honorable Thomas R. Phillips, Supreme Court for the State of Texas

Intern, Spring 1998

Honorable Charles A. Legge, United States District Court for the N.D. of California

Extern, Summer 1997

Texas Instruments

Software Engineer, Summer 1995

EDUCATION

The University of Texas School of Law

J.D. with Honors, 1999

Order of the Coif; Articles Editor – Texas Intellectual Property Law Journal;

Robert S. Strauss Endowed Presidential Scholarship in Law, 1998-1999;

1st place, Susman Godfrey Moot Court Competition, 1998.

Queen Mary & Westfield College – Centre for Commercial Law Studies

Study in International and Comparative Intellectual Property Law, Fall 1998

Northwestern University

B.S. with Honors and Distinction in both Computer Engineering and Electrical Engineering, 1996

Tau Beta Pi and Eta Kappa Nu Engineering Honor Societies;

Honors Thesis: *Processor Performance/Area Optimization*;

Coon Hardy Scholarship for Debating Excellence, 1992.

BOOK CHAPTERS & CONTRIBUTIONS

Compulsory Licensing Under TRIPS and the Supreme Court of the United States's Decision in eBay v. MercExchange, in PATENT LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH (Toshiko Takenaka and Rainer Moufang eds., Edward Elgar Publishing, Ltd., 2009).

Internet, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus ed., New York: MacMillan Reference USA/Thomson-Gale) (2008).

Nonobviousness as an Exercise in Gap Measuring, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH (P. Yu ed., Praeger Publishers) (2006).

PEER REVIEWED JOURNALS & LAW REVIEWS

The Folly of Early Filing in Patent Law, 61 HASTINGS L. J. __ (Forthcoming 2009).

Describing Patents as Real Options, 34 J. CORP. L. __ (Forthcoming 2009) (symposium—*Invention, Creation, and Public Policy*).

Copying in Patent Law, 87 N. CAR. L. REV. __ (Forthcoming 2009) (co-authored with Mark Lemley) (symposium—*Frontiers of Empirical Patent Law Scholarship*).

The Unreasonableness of the Patent Office's "Broadest Reasonable Interpretation" Standard, 37 AIPLA Q. J. ____ (Forthcoming 2009) (co-authored with Dawn-Marie Bey) (peer reviewed).

Modernizing Patent Law's Inequitable Conduct Doctrine, 24 BERKELEY TECH. L. J. __ (Forthcoming 2009).

Nonobviousness and the Federal Circuit: An Empirical Analysis of Recent Case Law, 82 NOTRE DAME L. REV. 911 (2007).

Patent Law Viewed Through an Evidentiary Lens: The "Suggestion Test" as a Rule of Evidence, 2006 BYU L. REV. 1517.

Observations on Recent Patent Cases: The Year in Review, 88 J. PAT. & TRADEMARK OFF. SOC'Y 46 (2006) (invited submission—peer reviewed).

Patent Claim Interpretation Methodologies and Their Claim Scope Paradigms, 47 WM. & MARY L. REV. 49 (2005).

Patent Claim Interpretation and Information Costs, 9 LEWIS & CLARK L. REV. 57 (2005) (symposium on *Markman v. Westview Instruments*).

PEER REVIEWED JOURNALS & LAW REVIEWS (CONT'D)

"After-Arising" Technologies and Tailoring Patent Scope, 61 N.Y.U. ANN. SURV. AM. L. 151 (2005) (invited submission for issue on intellectual property).

Counterclaims, the Well-Pleaded Complaint, and Federal Jurisdiction, 33 HOFSTRA L. REV. 1 (2004).

"Arising Under" Jurisdiction and Uniformity in Patent Law, 9 MICH. TELECOMM. TECH. L. REV. 253 (2003), reprinted at 36 INTELL. PROP. L. REV. 209 (2004).

Note, *Post-Expiration Patent Injunctions*, 7 TEX. INTELL. PROP. L.J. 105 (1998).

AMICUS BRIEFS

Brief of Business and Law Professors as Amicus Curiae in Support of the Respondent, *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Oct. 16, 2006) (Co-Author and Counsel of Record).

Brief of Professors John R. Allison, et. al. as Amicus Curiae in Support of the Respondents, *MedImmune, Inc. v. Genentech, Inc.*, No. 05-608 (U.S. July 26, 2006) (Co-Author).

WORKS IN PROGRESS

The Upside of Intellectual Property's Downside (co-authored with Jim Gibson)

What is the Invention?

TALKS AND PRESENTATIONS

Panelist, *Fulfilling the Patent System's Public Notice Function*, Federal Trade Commission, March 2009.

The Upside of Intellectual Property's Downside, University of Washington Law School, February 2009.

The Upside of Intellectual Property's Downside, Seattle University Law School, February 2009.

Rethinking the Patent System's Early Filing Doctrine, University of Houston Law Center, January 2009.

Rethinking the Patent System's Early Filing Doctrine, Columbia Law School, January 2009.

TALKS AND PRESENTATIONS (CONT'D)

Panelist, *The Limits of Abstract Patents in an Intangible Economy*, The Brookings Institution, Washington, DC, January 2009.

Rethinking the Patent System's Early Filing Doctrine, SMU Law School, October 2008.

Inequitable Conduct: A Greatly Misunderstood Defense at the *IP Law Review*, New York, NY, October 2008

Practicing Before the USPTO and US Copyright Office: Ethical Issues at the *American Intellectual Property Law Association—Annual Meeting*, Washington, DC, October 2008.

Rethinking the Patent System's Early Filing Doctrine at the *Intellectual Property Scholars Conference 2008*, Stanford Law School, August 2008.

Panelist, *Top Ten Recent Developments in Intellectual Property Law* at the *70th Annual Meeting of the Virginia State Bar*, Virginia Beach, VA, June 2008.

Commentator, *Symposium on Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovators at Risk*, University of Georgia School of Law, March 2008

Moderator, *Are the Supreme Court and the Federal Circuit on the Same Page?* at the *23rd Annual American Bar Association Intellectual Property Law Conference*, Washington, DC, March 2008.

Speaker, *SmithKline Beecham v. Dudas: Challenging the Patent Office's "Continuations" Rule and the Suit's Repercussions* at the *Washington Legal Foundation*, Washington, DC, February 2008.

Impact of KSR on Patent Litigation and Prosecution at the *2008 Advanced Patent Law Institute*, United States Patent and Trademark Office, Alexandria, Virginia, January 2008.

Rethinking the Inequitable Conduct Doctrine in Patent Law, at the *2007 Works-in-Progress Intellectual Property Colloquium*, American University Washington College of Law, October 2007.

Nonobviousness at the USPTO After KSR, Motorola, Inc. Patent Department, September 2007.

Inequitable Conduct and Patent Quality, Intellectual Property Owners Association ("IPO") Annual Meeting, New York, NY, September 2007.

The "Obvious" and "Non-Obvious" Impacts of KSR v. Teleflex, Association of Corporate Counsel Intellectual Property Committee, May 2007.

TALKS AND PRESENTATIONS (CONT'D)

Testimony on "Process Patents" before the *United States Senate Committee on the Judiciary*, Washington, DC, May 2007.

Moderator, *Re-Writing Patent Law: The Supreme Court's Decisions in MedImmune, KSR and Microsoft* at the *22nd Annual American Bar Association Intellectual Property Law Conference*, Washington, DC, April 2007.

Testimony on Public Interest before the *United States International Trade Commission in Certain Baseband Processor Chip and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, Washington, DC, March 2007.

Intellectual Property Injunctions after Ebay before the *Greater Richmond Intellectual Property Law Association*, University of Richmond School of Law, March 2007.

Reforming Patent Law's Disclosure Requirements at Some Modest Proposals 3.0, Benjamin N. Cardozo School of Law, February 2007.

What is the Invention? at the *8th Annual Intellectual Property Symposium*, University of Texas School of Law, February 2007.

Fraud before the Trademark and Copyright Offices at the *American Intellectual Property Law Association – 30th Mid-Winter Institute*, New Orleans, Louisiana, January 2007.

Obviousness at the *7th Annual Advanced Patent Law Institute*, San Jose, California, November 2006.

Obviousness at the *2006 Advanced Patent Law Institute*, United States Patent and Trademark Office, Alexandria, Virginia, November 2006.

Panelist at *What's Ahead on Highway 101*, George Washington University Law School and Oracle Corporation, Washington, DC, November 2006.

Injunctions after eBay at *Patent Policy in the Supreme Court and Congress*, The Berkeley Center for Law and Technology—Boalt Hall School of Law, UC Berkeley and The High Technology Law Institute—Santa Clara University School of Law, October 2006.

Recent Developments in Nonobviousness, IP Innovations Class sponsored by Kilpatrick Stockton LLP, September 2006.

Computer Software and Patent Law at the *19th Annual Technology and Computer Law Institute*, Austin, Texas, June 2006.

TALKS AND PRESENTATIONS (CONT'D)

The "Suggestion Test" as a Rule of Evidence in Patent Law at the *Chicago Intellectual Property Colloquium*, Chicago-Kent College of Law and Loyola University Chicago School of Law, February 2006.

Nonobviousness, the Federal Circuit, and the "Suggestion Test": A Study of Recent Case Law at the *2005 Works-in-Progress Intellectual Property Colloquium*, Washington University School of Law and St. Louis University Law School, October 2005.

Obviousness at the *10th Annual Advanced Patent Law Institute*, Austin, Texas, October 2005.

Patent Year in Review at the *American Intellectual Property Law Association—Annual Meeting*, Washington, DC, October 2005.

Patent Claim Interpretation and Information Costs at the *Tenth Annual Lewis & Clark Law School Fall Business Law Forum—Markman v. Westview Instruments: Lessons from a Decade of Experience*, Lewis & Clark Law School, October 2004.

"After-Arising" Technologies and Patent Scope at the *2004 Works-in-Progress Intellectual Property Colloquium*, Boston University School of Law, September 2004.

Claim Interpretation and the Patent Disclosure at the *Intellectual Property and Communications Law Scholars Roundtable*, Michigan State University School of Law, February 2004.

Claim Interpretation and the Patent Disclosure at the *2003 Works-in-Progress Intellectual Property Colloquium*, Tulane University School of Law, October 2003.

The Appellate Jurisdiction for Patent Litigation at the *2003 High Technology Protection Summit*, University of Washington School of Law Center for Advanced Study & Research on Intellectual Property, July 2003.

The Appellate Jurisdiction of the Federal Circuit at the *7th Annual Advanced Patent Law Institute*, Austin, Texas, October 2002 and at the *3rd Annual Advanced Patent Law Institute*, San Jose, California, November 2002.

RESEARCH INTERESTS

Patent Law, Intellectual Property Law, Federal Courts.

COURSES

Intellectual Property Law, Patent Law, Property, Cyberlaw, Copyright Law.

BAR MEMBERSHIPS

California, District of Columbia, and the Patent and Trademark Office.