

## MARK A. LEMLEY

Stanford Law School  
559 Nathan Abbott Way  
Stanford, CA 94305

(650) 723-4605

mlemley@law.stanford.edu

### CURRENT EMPLOYMENT

#### Stanford Law School, Palo Alto, California

William H. Neukom Professor of Law; Director, Program in Law, Science and Technology 2004 – present  
Senior Fellow, Stanford Institute for Economic Policy Research 2013 – present  
Affiliated Faculty, Stanford Symbolic Systems Program 2018 – present  
Visiting Professor Fall 2003  
Courses: Patent Law; Intellectual Property and Antitrust; Introduction to Intellectual Property; Advanced Topics in Patents; Remedies; Trademark Law; Intermediary Liability; Video Game Law; The Ethical Robot  
Research Interests: intellectual property; antitrust; Internet law; robotics and artificial intelligence

#### Lex Lumina PLLC

Counsel 2023 - present  
Litigation and client counseling in all aspects of intellectual property, antitrust, and Internet law. District court and appellate practice in patent law, trade secrets, contract and software copyright before the U.S. Supreme Court, the California Supreme Court, and the Second, Fifth, Seventh, Ninth, Tenth and Federal U.S. Circuit Courts of Appeals. I have litigated more than 100 cases and argued in the California Supreme Court and 30 times in the federal appeals courts in more than 30 years as a lawyer.

### EMPLOYMENT EXPERIENCE

#### Boalt Hall School of Law, University of California, Berkeley, California

Elizabeth Josselyn Boalt Chair in Law 2003 - 2004  
Professor of Law; co-Director, Berkeley Center for Law and Technology 2000 - 2003  
Visiting Professor Fall 1998  
Lecturer 1993 - 1994  
Courses: Introduction to Intellectual Property; Electronic Commerce; Computer Law; Intellectual Property and Antitrust; Patent Law; IP Scholarship Seminar

#### University of Texas School of Law, Austin, Texas

Marrs McLean Professor of Law 1999 - 2000  
Professor 1998 - 1999  
Assistant Professor 1994 - 1998  
Courses: Antitrust Law; Computer Law; Intellectual Property and Antitrust Law; Introduction to Intellectual Property; Law of the Internet; Patent Law; Regulated Industries

#### Durie Tangri LLP, San Francisco, California

Partner 2009 - 2022  
Representative clients included Genentech, Dykes on Bikes, and virtually every significant Internet company, including Amazon.com, Facebook, Google, and Twitter.

## EMPLOYMENT EXPERIENCE CONTINUED

### Keker & Van Nest, San Francisco, California

Of Counsel

2001 - 2009

Representative clients included Comcast, Genentech, Google, Grokster, Hummer Winblad, Intel, NetFlix, TiVo, and the University of Colorado Foundation.

### Fish & Richardson, Menlo Park, California & Austin, Texas

Of Counsel

1995 - 2001

Attorney

1993 - 1994

Representative clients included Amicus Communications, Genentech, Mentor Graphics, 3M, Mobil Oil, Nassda, NeoForma, Thermolase, Valentis and Varian

### Brown & Bain, Palo Alto, California

1992 - 1993

Attorney

Representative clients included EP Technologies and National Semiconductor

### United States Court of Appeals, Ninth Circuit, Pasadena, California

1991 - 1992

Law Clerk to Judge Dorothy W. Nelson

## EDUCATION

### Boalt Hall School of Law, University of California at Berkeley

J.D., 1991. Graduated #1 in class. California Law Review (Articles Editor); Order of the Coif; Industrial Relations Law Journal; Moot Court Board

### Stanford University

A.B. with distinction, Economics and Political Science, 1988.

## PROFESSIONAL ASSOCIATIONS AND COMMUNITY SERVICE

Member, Board of Directors, Silicon Valley Urban Debate League, 2022 - present

Member, Advisory Board, DMinti, Inc. (a private NFT art company), 2021 - present

Member, Advisory Board, Clairvoley (AI-based legal tech company), 2021 - present

Principal Investigator on grants from National Institutes of Health and National Science Foundation

Co-founder and Member, Board of Directors, Lex Machina, Inc., 2009 – 2015

Member, American Law Institute, 2012 – present

Obama for America 2008 campaign (fundraiser; served on IP and antitrust policy advisory committees)

Member, Boalt Hall Alumni Association Board of Directors, 2007 – 2010

Chair, Association of American Law Schools Section on Antitrust and Economic Regulation, 2006

Member, California Blue Ribbon Task Force on Nanotechnology, 2004 – 2005

Advisor, American Law Institute "Principles of the Law of Software Contracts" Project, 2004 - 2009

Master, San Francisco Bay Area Intellectual Property Inns of Court

Member, Northern District of California Patent Instructions and Rules Committee, 2000 – present

Moderator, "CyberProf" Internet listserv

Peer reviewer: American Law and Economics Review; Cambridge University Press; Genomics; Journal of the American Medical Association; Journal of Law, Economics and Organization; Journal of Legal Studies; Jurimetrics Journal; MIT Press; the National Science Foundation; Nature; Oxford University Press; Research Policy; Frontiers; and Science, among others

ICANN domain name dispute arbitrator (disputes.org/eresolution.ca), 1999-2001

Member, Advisory Board, Electronic Frontier Foundation, 2004-present

Member, Board of Directors, University Cooperative Society (a private non-profit college bookstore), 1995-1999

Member, Panel of Academic Advisors, American Committee for Interoperable Systems, 1995-1999

## **PROFESSIONAL ASSOCIATIONS AND COMMUNITY SERVICE continued**

Member, Board of Editors, American Intellectual Property Law Association Quarterly Journal, 1994-2000  
Chair, Association of American Law Schools Section on Law and Computers, 1997  
Founder and Coach, Stanford Debate Team, 1985-1988  
Admitted to practice in California, before the United States Supreme Court, the Second, Fifth, Seventh, Ninth, Tenth, and Federal Circuit Courts of Appeals as well as numerous district courts

## **AWARDS**

### *Individual*

Mark Banner Award for Outstanding Achievement in Intellectual Property, American Bar Association, 2024  
Winner, World Technology Network's World Technology Award for Law, 2018 (also finalist 2004, 2011)  
Best Lawyers in America San Francisco IP Attorney of the Year, 2010 (IP), 2013 (patent litigation), 2017 (trade secrets), 2019 (trade secrets)  
Managing IP Magazine, Influential Individual of the Year, 2017  
P.J. Federico Award, Patent and Trademark Office Society, 2017  
California Lawyer's Attorney of the Year (CLAY) Award for Antitrust, 2015  
Managing IP Magazine, IP Thought Leader of the Year, 2012, 2013  
Parkway Alumni Association Hall of Fame, 2012  
California State Bar inaugural IP Vanguard Award, 2009  
California Lawyer's Attorney of the Year (CLAY) Award for Intellectual Property, 2005  
Young Alumnus of the Year, Boalt Hall School of Law, 2002

### *Group*

American Academy of Arts and Sciences, inducted 2018  
IP Hall of Fame, inducted 2014  
World Economic Forum Young Global Leader, 2007  
Daily Journal 100 Most Influential Attorneys in California, 2004, 2005, 2006, 2008, 2009, 2011, 2015, 2017, 2018, 2019, 2020, 2021, 2023  
Managing IP Magazine, 50 Most Influential People in IP World-wide, 2012, 2018  
Law360 Icons of IP, 2016  
Daily Journal Top 75 IP Lawyers in California, every year since 2009  
Managing IP Magazine, IP Stars 2014, 2016, 2019, 2022  
National Law Journal, 100 Most Influential Lawyers in the U.S., 2006, 2013  
Top 100 Lawyers in Northern California, SuperLawyers, 2013, 2014, 2016  
Intellectual Asset Magazine Global Patent 1000, every year since 2012  
Intellectual Asset Magazine Global IP Strategy 300, 2013, 2014, 2015, 2016  
Parkway Alumni Association Hall of Fame, 2012  
Best Lawyers in America, recognized as an outstanding lawyer in one or more of antitrust, bet-the-company litigation, IP, patent, and trade secret law every year since 2007  
San Francisco Chronicle, San Francisco's Top Attorneys 2011  
Chambers 2016 (Patents); 2016 (Patent: Star Individuals); ranked every year since 2010  
American Lawyer, The 25 Most Influential People in IP, 2010  
IP360's Ten Most Admired IP Attorneys, 2010  
Who's Who Legal 2010, 2011, 2012, 2013, 2014, 2015 (Patents), 2016 (Thought Leader)  
IP Law and Business Magazine, Top 50 Under 45, 2008  
Daily Journal Top 50 IP Lawyers in California, 2008  
Corporate Counsel Magazine Top Lawyers, 2007, 2008, 2009  
American Lawyer's Young Litigators Fab Fifty, 2007  
Lawdragon 3000 Leading Lawyers in America 2010  
Lawdragon 500 Leading Lawyers in America, 2005, 2006, 2007  
Northern California SuperLawyers (IP litigation), every year since 2004  
Daily Journal Top 25 Intellectual Property Attorneys in California, 2003

## Academic

Thelen Marrin Prize (given to the top student in each graduating class), Boalt Hall School of Law, 1991  
John G. Sobieski Prize in Economics, Stanford University, 1988  
Truman Scholar, 1986

## PUBLICATIONS

### Books

**Video Game Law** (self-published 2023), with Sonali M. Maitra, available at <https://law.stanford.edu/directory/mark-a-lemley/video-game-law/>

**Scarcity, Regulation, and the Abundance Society** (Frontiers in Research 2022) (co-editor, with Deven Desai)

**Antitrust** (Gilbert's Law Summaries, 12<sup>th</sup> ed. 2023), with Christopher Leslie (259 pages). Also 11<sup>th</sup> ed. 2010, with Christopher Leslie; 10<sup>th</sup> ed. 2005, with Christopher Leslie; 9<sup>th</sup> ed. 1996, with Thomas M. Jorde and Robert H. Mnookin

**3D Printing and Beyond: IP and Regulation** (Edward Elgar 2019) (co-editor, with Dinusha Mendis & Matthew Rimmer)

**Intellectual Property in the New Technological Age 2023** (two-volumes), with Robert P. Merges, Peter S. Menell, and Shyamkrishna Balganesh (self-published, 1241 pages) (along with **Teacher's Manual**; also **2022** edition, **2021** edition, **2020** edition, **2019** edition, **2018** edition; **2017** edition; **2016** edition; 6<sup>th</sup> ed. 2012 (Aspen Law & Business), with Robert P. Merges & Peter S. Menell; also 5<sup>th</sup> ed. 2010; Revised 4<sup>th</sup> ed. 2007; 4<sup>th</sup> ed. 2006; 3d ed. 2003; 2d ed. 2000; 1<sup>st</sup> ed. 1997, with Robert P. Merges, Peter S. Menell, and Thomas M. Jorde (also translated into Chinese)

**Intellectual Property in the New Technological Age: 2023 Statutes**, with Robert P. Merges, Peter S. Menell, and Shyamkrishna Balganesh (self-published); also **2022 Statutes 2021 Statutes, 2020 Statutes, 2019 Statutes; 2018 Statutes; 2017 Statutes; 2016 Statutes; 2015 Case and Statutory Supplement; also 2014 Case and Statutory Supplement; 2013 Case and Statutory Supplement; 2012 Statutory Supplement; 2011 Case and Statutory Supplement; 2010 Case and Statutory Supplement; 2009 Case and Statutory Supplement; 2008 Case and Statutory Supplement; 2007 Statutory Supplement; 2006 Statutory Supplement; 2005 Case and Statutory Supplement; 2004 Case and Statutory Supplement; 2003 Case and Statutory Supplement; 2002 Case and Statutory Supplement; 2001 Case and Statutory Supplement; 2000 Statutory Supplement; 1999-2000 Case and Statutory Supplement; Intellectual Property: Selected Statutes** (Aspen Law & Business 1997), with Robert P. Merges, Peter S. Menell, and Thomas M. Jorde (380 pages)

**Trademarks, Unfair Competition, and Business Torts** (Aspen Law & Business 2d ed. 2016), with Barton Beebe, Thomas Cotter, Peter S. Menell, & Robert P. Merges (1124 pages); also 1<sup>st</sup> ed. 2011

**IP and Antitrust** (Aspen Law & Business, 3d ed. 2016), with Herbert Hovenkamp, Mark Janis, Christopher R. Leslie, & Michael A. Carrier (two volume treatise) (1500 pages) plus annual supplements; also 2d ed. 2010 with Herbert Hovenkamp, Mark Janis, & Christopher R. Leslie; 1<sup>st</sup> ed. 2001 with Herbert Hovenkamp & Mark Janis (also translated into Chinese)

## **Books continued**

**Software and Internet Law** (Aspen Law & Business, 4<sup>th</sup> ed. 2011), with Peter S. Menell, Robert P. Merges, Pamela Samuelson and Brian W. Carver (along with **Teacher's Manual**) (1205 pages); also 3d ed. 2006, with Peter S. Menell, Robert P. Merges, and Pamela Samuelson; 2d ed. 2003; and 1<sup>st</sup> ed. 2000 (also translated into Chinese)

**The Patent Crisis and How the Courts Can Solve It** (University of Chicago Press 2009), with Dan L. Burk (220 pages) (also translated into Chinese and Korean); plus paperback edition 2011

## **Academic Journal Articles and Book Chapters** (\* denotes peer-reviewed article)

Authoring While Dead (in progress)

Terms of Service Woes for Artificial Intelligence and Beyond (in progress), with Peter Henderson

Common Directorship (in progress), with Rory van Loo and Lane Miles

Rule or Reason? (in draft)

Coopting Disruption, 104 **Boston University Law Review** \_\_ (forthcoming 2025), with Matthew Wansley

Free the Market: How to Save Capitalism from the Capitalists, \_\_ **Hastings Law Journal** (forthcoming 2025)

The Broken Balance: How "Built-In Apportionment" and the Failure to Apply *Daubert* Have Distorted Patent Infringement Damages, \_\_ **Harvard Journal of Law and Technology** \_\_ (forthcoming 2024), with William Lee

Our More-than-Twenty-Year Patent Term, \_\_ **Berkeley Technology Law Journal** \_\_ forthcoming 2024), with Jason Reinecke

Design Patents Aren't Patents (and It's a Good Thing Too), \_\_ **George Washington Law Review** \_\_ (forthcoming 2024), with Mark P. McKenna

How Generative AI Will Turn Copyright Upside Down, \_\_ **Columbia Science & Technology Law Review** \_\_ (forthcoming 2024)

First Amendment Neglect in Supreme Court IP Cases, \_\_ **Supreme Court Review** (forthcoming 2024), with Rebecca Tushnet

Myths and Reality of Patent Law at the Supreme Court, 104 **Boston University Law Review** 891 (2024), with Paul R. Gugliuzza

Illegal Interlocks in Life Science Boards of Directors, 13 **Journal of Law and Biosciences**\* 1 (2024), with Anoop Manjunath, Nathan Kahrobai & Ishan Kumar

Foundation Models and Fair Use, 24 **Journal of Machine Learning Research**\* 1 (2023), with Peter Henderson, Xuechen Li, Dan Jurafsky, Tatsunori Hashimoto and Percy Liang

Red Courts, Blue Courts, 93 **Mississippi Law Journal** 143 (2023)

The Exclusive Right to Customize?, 103 **Boston University Law Review** 385 (2023), with Sari Mazzurco

## **Law Review Articles and Book Chapters continued**

Freedom of Speech and AI Output, 3 **Journal of Free Speech Law**\* 651 (2023), with Eugene Volokh and Peter Henderson

Where's the Liability in Harmful AI Speech?, 3 **Journal of Free Speech Law**\* 589 (2023), with Peter Henderson and Tatsunori Hashimoto

The Benefit of the Bargain, 2023 **Wisconsin Law Review** 237 (2023)

The Antibody Patent Paradox, 132 **Yale Law Journal** 994 (2023), with Jacob Sherkow  
Winner, Carroll P. Hurd Award for Scholarly Excellence, 2024

Trademark Spaces and Trademark Law's Hidden Step Zero, 75 **Stanford Law Review** 1 (2023), with Mark P. McKenna, reprinted in 2023 **Intellectual Property Law Review**\*

Scarcity, Regulation, and the Abundance Society, 7 **Frontiers in Research**\* 1104460 (2023), with Deven Desai

How to Punish a Robot,\* in **Research Handbook on the Law of Artificial Intelligence** (Edward Elgar 2022) (with Bryan Casey), republished in 13 **Revista Ultracontinental de Literatura Juridica** 172 (2021) (Portuguese translation)

The Imperial Supreme Court, 136 **Harvard Law Review Forum** 97 (2022)

What Litigators Can Teach the Patent Office About Pharmaceutical Patents, 99 **Washington University Law Review** 1673 (2022), with S. Sean Tu

Atomistic Antitrust, 63 **William & Mary Law Review** 1869 (2022), with Robin C. Feldman  
Winner, American Antitrust Institute Jerry S. Cohen Memorial Fund Award for outstanding paper, 2023  
Winner, Concurrences Writing Award for outstanding paper on private antitrust enforcement, 2023

The Contradictions of Antitrust Challenges to Platforms, 36 **Antitrust**\* 22 (2021)

Interfaces and Interoperability After *Google v. Oracle*, 100 **Texas Law Review** 1 (2021), with Pamela Samuelson, reprinted in 2022 **Intellectual Property Law Review**\*

The Death of the Genus Claim, 35 **Harvard Journal of Law and Technology** 1 (2021), with Dmitry Karshedt and Sean Seymore

Disappearing Content, 101 **Boston University Law Review** 1255 (2021), reprinted in 2022 **Intellectual Property Law Review**\* and in **Southwestern Intellectual Property Review** (forthcoming) (Chinese translation)

The Contradictions of Platform Regulation, 1 **Journal of Free Speech Law**\* 303 (2021)

Does *Alice* Target Patent Trolls?, 18 **Journal of Empirical Legal Studies**\* 47 (2021), with Samantha Zyontz

Fair Learning, 99 **Texas Law Review** 743 (2021), with Bryan Casey, reprinted in **The Legal Structure of Emerging Technologies: Social and Legal Challenges** (Cambridge Univ. Press forthcoming 2025)

The Splinternet, 70 **Duke Law Journal** 1397 (2021)

## **Law Review Articles and Book Chapters continued**

Exit Strategy, 101 **Boston University Law Review** 1 (2021), with Andrew McCreary

Abandoning Trade Secrets, 73 **Stanford Law Review** 1 (2021), with Camilla Hrdy, reprinted in 48 **Macau Law Review** (forthcoming 2022) (Chinese translation)

The Role of Antitrust in Preventing Patent Holdup, 168 **University of Pennsylvania Law Review** 2019 (2020), with Carl Shapiro, reprinted in 13 **Revista Ultracontinental de Literatura Juridica** 16 (2022) (Portuguese translation)

Chief Justice Webster, 106 **Iowa Law Review** 299 (2020)

Pledging Intellectual Property for COVID-19, 38 **Nature Biotechnology**\* 1146 (2020), with Jorge Contreras, Ariel Bacaner Ganz, Michael Eisen, Jenny Molloy, Frank Tietz, and Diane Peters

You Might Be a Robot, 105 **Cornell Law Review** 287 (2020), with Bryan Casey

The Medicare Innovation Subsidy, 95 **New York University Law Review** 75 (2020), with Lisa Ouellette & Rachel Sachs

Without Preamble, 100 **Boston University Law Review** 357 (2020)

Playing Both Sides? Branded Sales, Generics, and Patent Policy, 71 **Hastings Law Journal** 307 (2020) with Michael A. Carrier & Shawn Miller

Unfair Disruption, 100 **Boston University Law Review** 71 (2020), with Mark P. McKenna

Remedies for Robots, 86 **University of Chicago Law Review** 1311 (2019), with Bryan Casey

How Essential Are Standard-Essential Patents?, 104 **Cornell Law Review** 607 (2019), with Tim Simcoe

The Sound and Fury of Patent Activity, 103 **Minnesota Law Review** 1793 (2019), with Robin C. Feldman

Fame, Parody, and Policing in Trademark Law, 2019 **Michigan State Law Review** 1 (2019), reprinted in **Charting Limitations on Trademark Rights** 105 (Haochen Sun ed., Oxford University Press 2023)  
Winner, International Trademark Association Ladas Memorial Award for best paper on trademark law, 2019

Privacy, Property, and Publicity, 117 **Michigan Law Review** 1153 (2019)

The Patent Enforcement Iceberg, 97 **Texas Law Review** 801 (2019), with Erik Oliver and Kent Richardson

Intelligent Design, 68 **Duke Law Journal** 75 (2018), with Christopher J. Buccafusco and Jonathan Masur

Law, Virtual Reality, and Augmented Reality, 166 **University of Pennsylvania Law Review** 1051 (2018), with Eugene Volokh

Can a Court Change the Law By Saying Nothing?, 71 **Vanderbilt Law Review** 765 (2018), with Paul Gugliuzza

## **Law Review Articles and Book Chapters continued**

Is Patent Litigation Efficient?, 98 **Boston University Law Review** 649 (2018), with Robin C. Feldman, reprinted in **Research Handbook in Intellectual Property and Technology Transfer** 320 (Jacob Rooksby ed. 2019)

Platforms and Interoperability in *Oracle v. Google*, 31 **Harvard Journal of Law and Technology** 603 (2018), with Joseph C. Gratz

The Fruit of the Poisonous Tree in IP Law, 103 **Iowa Law Review** 245 (2017)

Functionality Screens, 103 **Virginia Law Review** 1293 (2017), with Christopher J. Buccafusco, reprinted in 2018 **Intellectual Property Law Review**

The Real Law of Virtual Reality, 51 **UC Davis Law Review** 51 (2017), with Eugene Volokh

How Often Do Non-Practicing Entities Win Patent Cases?, 32 **Berkeley Technology Law Journal** 235 (2017), with John R. Allison & David L. Schwartz

Did *eBay* Irreparably Injure Trademark Law?, 92 **Notre Dame Law Review** 1793 (2017), reprinted in 2018 **Intellectual Property Law Review**

Expecting the Unexpected, 92 **Notre Dame Law Review** 1369 (2017)

Patent Licensing, Technology Transfer, and Innovation, 106 **American Economic Review\*** 198 (2016), with Robin C. Feldman

The Surprising Resilience of the Patent System, 95 **Texas Law Review** 1 (2016)

Patent Purchases and Litigation Outcomes, 2016 **Patently-O Patent Law Journal** 15, with Kent Richardson, Erik Oliver, Michael Costa, and James Yoon

Rethinking Assignor Estoppel, 54 **Houston Law Review** 513 (2016)

Ready for Patenting, 96 **Boston University Law Review** 1171 (2016)

Open Letter on Ethical Norms in IP Scholarship, 29 **Harvard Journal of Law and Technology** 339 (2016), with Robin C. Feldman, Jonathan Masur, and Arti Rai

Scope, 57 **William & Mary Law Review** 2197 (2016), with Mark P. McKenna

If You Can't Beat 'em, Join 'em? How Sitting By Designation Changes Judicial Behavior, 94 **Texas Law Review** 451 (2016), with Shawn Miller

Antitrust Arbitration and Merger Approval, 110 **Northwestern University Law Review** 1 (2015), with Christopher R. Leslie  
Winner, American Antitrust Institute Jerry S. Cohen Memorial Fund Writing Award for outstanding paper on private antitrust enforcement, 2016

Do Patent Licensing Demands Mean Innovation?, 101 **Iowa Law Review** 137 (2015), with Robin C. Feldman

Our Divided Patent System, 82 **University of Chicago Law Review** 1073 (2015), with John R. Allison & David L. Schwartz

Antitrust Arbitration and Illinois Brick, 100 **Iowa Law Review** 2115 (2015), with Christopher R. Leslie



## **Law Review Articles and Book Chapters continued**

Faith-Based IP, 62 **UCLA Law Review** 1328 (2015), reprinted in **Intellectual Property Law and Technology Journal** (2016) (Japanese translation)

IP in a World Without Scarcity, 90 **New York University Law Review** 460 (2015), reprinted in 1 **Journal of Intellectual Property Studies** 10 (India) (2017), reviewed in **Regulation**, Fall 2014, at 79.

Does "Public Use" Mean the Same Thing It Did Last Year?, 93 **Texas Law Review** 1119 (2014), reprinted in 2016 **Intellectual Property Law Review**

Understanding the Realities of Modern Patent Litigation, 92 **Texas Law Review** 1769 (2014), with John R. Allison & David L. Schwartz

Does Familiarity Breed Contempt Among Judges Deciding Patent Cases?, 66 **Stanford Law Review** 1121 (2014), with Jennifer Urban & Su Li

The Audience in IP Infringement, 112 **Michigan Law Review** 1251 (2014), with Jeanne Fromer

Taking the Regulatory Nature of IP Seriously, 92 **Texas Law Review See Also** 68 (2014)

A Rational System of Design Patent Remedies, 17 **Stanford Technology Law Review** 219 (2013)

Do Applicant Patent Citations Matter?, 42 **Research Policy\*** 844 (2013), with Christopher A. Cotropia & Bhaven Sampat

Parody as Brand, 47 **U.C. Davis Law Review** 473 (2013), with Stacey L. Dogan, reprinted in **The Luxury Economy and Intellectual Property: Critical Reflections** 93 (Barton Beebe et al. eds, Oxford University Press 2015), and reprinted in 105 **Trademark Reporter** 1177 (2016)

A Simple Approach to Setting Reasonable Royalties for Standard-Essential Patents, 28 **Berkeley Technology Law Journal** 1135 (2013), with Carl Shapiro  
Winner, Concurrences Antitrust Writing Award for outstanding antitrust paper, 2014

Why Do Juries Decide If Patents Are Valid?, 99 **Virginia Law Review** 1673 (2013)

Missing the Forest for the Trolls, 113 **Columbia Law Review** 2117 (2013), with A. Douglas Melamed, abridged in **Patent Assertion Entities and Competition Policy** 9 (Danny Sokol ed., Cambridge University Press 2017)  
Winner, ABA Antitrust Writing Award 2014

Software Patents and the Return of Functional Claiming, 2013 **Wisconsin Law Review** 905

The Fractioning of Patent Law, in **Intellectual Property and the Common Law\*** 504 (Shyamkrishna Balganeshe ed., Cambridge University Press 2013)

Rush to Judgment? Trial Length and Outcomes in Patent Cases, 41 **American Intellectual Property Law Association Quarterly Journal\*** 169 (2013), with Clint Martin & Jamie Kendall

Fixing the Patent Office, 13 **Innovation Policy and the Economy\*** 83 (2013)

The Regulatory Turn in IP, 36 **Harvard Journal of Law and Public Policy** 109 (2013)

Patent Holdup, the ITC, and the Public Interest, 98 **Cornell Law Review** 1 (2012), with Colleen V. Chien

## **Law Review Articles and Book Chapters continued**

Examiner Characteristics and Patent Office Outcomes, 94 **Review of Economics and Statistics\*** 817 (2012), with Bhaven Sampat

Is Pepsi Really a Substitute for Coke? Market Definition in Antitrust and IP, 100 **Georgetown Law Journal** 2055 (2012), with Mark P. McKenna, reprinted in **Antitrust, Intellectual Property, and High Tech** 183 (Daniel Sokol & Roger Blair eds., Cambridge University Press 2017), plus Chinese translation (2020)

The Dubious Autonomy of Virtual Worlds, 2 **Irvine Law Review** 575 (2012)

Contracting Around Liability Rules, 100 **California Law Review** 463 (2012)

The Myth of the Sole Inventor, 110 **Michigan Law Review** 709 (2012)

Don't Break the Internet, 64 **Stanford Law Review Online** 34 (2011), available at <http://www.stanfordlawreview.org/online/dont-break-internet>, with David S. Levine & David Post, reprinted at <http://www.openskill.lu/ensopa-concernedfrsopa-tout-monde-est-concern/> (French translation), and at [http://www.huffingtonpost.com/mark-lemley/protect-ip-act\\_b\\_1162702.html](http://www.huffingtonpost.com/mark-lemley/protect-ip-act_b_1162702.html) (abridged version)

Point of Novelty, 105 **Northwestern University Law Review** 1253 (2011)

Industry-Specific Antitrust Policy for Innovation, 2011 **Columbia Business Law Review** 637 (2011)

Tailoring Patents to Different Industries, in **Biotechnology and Software Patent Law: A Comparative Review of New Developments** (Emanuela Arezzo & Gustavo Ghidini eds, Edward Elgar 2011), with Dan L. Burk

Earning Exclusivity: Generic Incentives and the Hatch-Waxman Act, 77 **Antitrust Law Journal\*** 947 (2011), with C. Scott Hemphill

The Ongoing Confusion Over Ongoing Royalties, 76 **Missouri Law Review** 695 (2011)

Life After *Bilski*, 63 **Stanford Law Review** 1315 (2011), with Michael Risch, Ted Sichelman, and R. Polk Wagner, reprinted in 2012 **Intellectual Property Law Review\***

Who Chooses Open Source Software?, 78 **University of Chicago Law Review** 139 (2011), with Ziv Shafir (National Institutes of Health grant # NGA: 1 R01 HG003769-01)

Patent Quality and Settlement Among Repeat Patent Litigants, 99 **Georgetown Law Journal** 677 (2011), with John R. Allison & Joshua Walker

Is the Sky Falling for the Content Industries?, 9 **Journal of Telecommunications and High Technology Law** 125 (2011), reprinted in <http://www.dseneste.dk/index.php/politik/falder-himlen-ned-over-musikbranchen-medier-film-tv-radio-forlag/> (Danish translation)

Can the Patent Office be Fixed?, in **Rules for Growth\*** 367 (Robert Litan ed. 2011), reprinted in 15 **Marquette Intellectual Property Law Review** 295 (2011)

Owning Mark(et)s, 109 **Michigan Law Review** 137 (2010), with Mark McKenna

Irrelevant Confusion, 62 **Stanford Law Review** 413 (2010), with Mark McKenna

## **Law Review Articles and Book Chapters continued**

- A Structured Approach to Calculating Reasonable Royalties, 14 **Lewis & Clark Law Review** 627 (2010), with Daralyn J. Durie, reprinted in 2011 **Intellectual Property Law Review\***
- Our Bizarre System for Proving Copyright Infringement, 57 **Journal of the Copyright Society\*** 719 (2010)
- Where to File Your Patent Case, 38 **American Intellectual Property Law Association Quarterly Journal\*** 401 (2010), reprinted in **AIPPI-Japan** (2011) (Japanese translation) and in **Chizai Prism** (2011) (Japanese translation)
- Examining Patent Examination, 2010 **Stanford Technology Law Review** 2, with Bhaven Sampat, reprinted in 2011 **Intellectual Property Law Review\***
- Extreme Value or Trolls on Top? Evidence From the Most-Litigated Patents, 158 **University of Pennsylvania Law Review** 1 (2009), with John R. Allison & Josh Walker
- Distinguishing Lost Profits From Reasonable Royalties, 51 **William & Mary Law Review** 655 (2009)
- Copying in Patent Law, 87 **North Carolina Law Review** 1421 (2009), with Christopher A. Cotropia
- Fence Posts or Sign Posts? Rethinking Patent Claim Construction, 157 **University of Pennsylvania Law Review** 1743 (2009), with Dan L. Burk, reprinted in 42 **Intellectual Property Law Review\*** (2010) and in **International Patent Law and Policy: Cases and Materials** (2013)
- Antitrust Law and Regulatory Gaming, 87 **Texas Law Review** 685 (2009), with Stacey L. Dogan
- Courts and the Patent System, **Regulation**, Summer 2009, at 18, with Dan L. Burk
- A Cautious Defense of Intellectual Oligopoly With Fringe Competition, 5 **Review of Law and Economics\*** 3 (2009) (reviewing Michele Boldrin & David Levine, **Against Intellectual Monopoly**), reprinted in **Indian Journal of Intellectual Property Law** (2010)
- California Restrictive Employee Covenants After *Edwards*, 23 **California Labor and Employment Law Review** 3 (2009), with James H.A. Pooley
- Is The Patent Office A Rubber Stamp?, 58 **Emory Law Journal** 181 (2008) with Bhaven Sampat, reprinted in **Patent Prosecution** (India) (2009)
- A Realistic Approach to the Obviousness of Inventions, 50 **William & Mary Law Review** 989 (2008), with Daralyn J. Durie, reprinted in **Nonobviousness and Patents** 35 (India) (2010)
- The Surprising Virtues of Treating Trade Secrets as IP Rights, 61 **Stanford Law Review** 311 (2008), abridged in **The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research** (Rochelle C. Dreyfuss & Katherine J. Strandburg eds. 2011), and reprinted in **Andean Yearbook of Intellectual Rights** 157 (Peru) (2013) and in **Critical Concepts in Intellectual Property Law** (Robert P. Merges ed. 2014)
- Categorical Analysis in Antitrust Jurisprudence, 93 **Iowa Law Review** 1207 (2008), with Christopher R. Leslie
- How to Make a Patent Market, 36 **Hofstra Law Review** 257 (2008), with Nathan Myhrvold

## **Law Review Articles and Book Chapters continued**

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Lead counsel and co-author, Brief Amici Curiae of 20 Law and Business Professors in Support of Neither Party, *Bilski v. Kappos* (U.S. 2009)

### **Amicus Briefs continued**

Lead counsel and author, Brief Amici Curiae of 54 Intellectual Property Law, Antitrust Law, Economics, and Business Professors, the American Antitrust Institute, the Public Patent Foundation, and the AARP in Support of Petitioner, *Arkansas Carpenters Health and Welfare Fund v. Bayer AG* (U.S. 2009)

Lead counsel and co-author, Brief Amici Curiae of Administrative Law and Intellectual Property Professors in Support of Appellants, *Tafas v. Dudas* (Fed. Cir. 2008)

Lead counsel and co-author, Brief Amici Curiae of 22 Law and Business Professors in Support of Appellants, *In re Bilski* (Fed. Cir. 2008) (en banc)

Lead counsel and principal author, Brief Amici Curiae of 28 Professors of Business, Economics and Law in Support of Appellant, *In re Ciprofloxacin Antitrust Litigation* (Fed. Cir. 2008)

Co-author, Brief Amici Curiae of Intellectual Property, Administrative Law and Public Health Professors in Support of Defendant's Motion for Summary Judgment, *Tafas v. Dudas* (E.D. Va. 2007)

Lead counsel and co-author, Brief Amici Curiae of 26 Professors Supporting Affirmance, *Edwards v. Arthur Andersen* (Cal. Sup. Ct. 2007)

Lead counsel and co-author, Brief Amici Curiae of 41 Professors of Economics, Business and Law in Support of Granting the Petition for Certiorari, *Joblove v. Barr Labs* (U.S. 2007)

Co-author, Brief Amici Curiae of Intellectual Property Professors in Support of Reversal, *Microsoft Corp. v. AT&T Corp.* (U.S. 2006)

Lead counsel and author, Brief Amicus Curiae of Comcast Cable Communications LLC in Support of Defendants and in Support of Affirmance in *BMC Resources, Inc. v. Paymentech L.P.* (Fed. Cir. 2006)

Lead counsel and principal author, Brief Amici Curiae of the Electronic Frontier Foundation and 38 Intellectual Property Professors in Support of Appellants in *Freecycle Network v. Oey* (9<sup>th</sup> Cir. 2006)

Lead counsel and principal author, Brief Amici Curiae of Charter Communications, Inc., Comcast Cable Communications, Coxcom, Inc., and Time Warner Cable in Support of Appellants in *Freedom Wireless v. BCGI* (Fed. Cir. 2006)

Lead counsel and author, Brief Amici Curiae of 52 Intellectual Property Law Professors in Support of Petitioners in *eBay, Inc. v. MercExchange, LLC* (U.S. 2006)

Lead counsel and co-author, Brief Amici Curiae of 37 Business, Economics and Law Professors in *In re Tamoxifen Citrate Antitrust Litigation* (2d Cir. 2005) (en banc)

Lead counsel and author, Brief Amici Curiae of 35 Intellectual Property Law Professors in Support of Certiorari in *eBay, Inc. v. MercExchange, LLC* (U.S. 2005)

Lead counsel and co-author, Brief Amici Curiae of Cisco Corp. and Google Inc. in *American Axle Manufacturing v. Dana Corp.* (U.S. 2004)

Lead counsel and author, Brief Amici Curiae of Intel Corp., IBM Corp, Google Inc., Microsoft Corp., and Micron Corp. in *Phillips v. AWH Corp.* (Fed. Cir. 2004) (en banc)

### **Amicus Briefs continued**

Lead counsel and author, Brief Amicus Curiae of Google Inc. in *1-800 Contacts v. WhenU.com* (2d Cir. 2004)

Co-author, Brief Amici Curiae of Computer Associates International, Qualcomm, LSI Logic, and 8 patent law professors in *Knorr-Bremse v. Dana* (Fed. Cir. 2004) (en banc)

Lead counsel and principal author, Brief Amicus Curiae of Intellectual Property Professors in *Moseley v. V Secret Catalogue* (U.S. 2002)

Lead counsel and principal author, Brief Amicus Curiae of Technology Law Professors in *Intel Corp. v. Hamidi* (Cal. Sup. Ct. 2002) (review petition and merits brief)

Lead counsel and principal author, Brief Amicus Curiae of Electronic Frontier Foundation, AFFECT, Digital Future Coalition, Association of Research Libraries, American Library Association, American Association of Law Libraries, Computer and Communications Industry Association, U.S. Association for Computing Machinery, and 33 intellectual property professors in *Bowers v. Baystate Technologies* (Fed. Cir. 2002)

Lead counsel and joint author, Brief Amicus Curiae of The Internet Archive in *Eldred v. Ashcroft* (U.S. 2001 (certiorari petition) and 2002 (merits brief))

Lead counsel and joint author, Brief Amicus Curiae of Technology Law Professors in *Ebay v. Bidder's Edge* (9<sup>th</sup> Cir. 2000)

Lead counsel and principal author, Brief Amicus Curiae of Copyright Law Professors in *Sony v. Connectix* (9<sup>th</sup> Cir. 1999)

Lead counsel and principal author, Brief Amicus Curiae of American Committee for Interoperable Systems in *ProCD v. Zeidenberg* (7<sup>th</sup> Cir. 1996)

### **Conferences Chaired**

Junior Scholars Law and STEM Conference, Stanford, California September 27-28, 2019 and October 27-28, 2023

Stanford Interdisciplinary Workshop on Interoperability, Stanford, California January 28-29, 2023

First through Twenty-sixth Annual Advanced Patent Law Institutes, Palo Alto, California 2000-2022 and Austin, Texas, 1996-2007

The Realities of Patent Litigation, Stanford, California September 30, 2022

Intellectual Property Scholars' Conference, Stanford, California August 12-13, 2022

Scarcity, Regulation, and the Abundance Society, Stanford, California May 4, 2022

The Realities of Modern Patent Litigation, Stanford, California December 2, 2021

Intellectual Property Scholars' Conference, virtual, July 15-August 22, 2020

Trademark Scholars' Rountable, Stanford, California, February 28-29, 2020

Roundtable on Patent Damages, Stanford, California, October 4, 2019

**Conferences Chaired continued**

Litigating Patents Effectively, Stanford, California September 7, 2018

IP and the Biosciences, Stanford, California April 26, 2018

We Robot, Stanford, California April 12-14, 2018

Patent Law in Global Context, Stanford, California, September 2017

The Changing Patent Landscape, Stanford, California, October 7, 2016

The Psychology and Sociology of Creativity and IP, Stanford, California, September 9-10, 2016

IP Scholars' Conference, Stanford, California, August 11-12, 2016

Chair, Stanford Conference on IP and the Biosciences, May 4, 2016

Co-chair, Stanford-ABA Conference on Innovation and Antitrust, Stanford, California October 8, 2015

Chair, The PTO and the Courts, Stanford, California April 17-18, 2015

Chair, Stanford Conference on IP and the Biosciences, May 15, 2014

Chair, Patent Trolls and Patent Reform, Stanford, California March 21-22, 2014

Co-chair, Second through Tenth Annual Ecommerce Best Practices Conference, Stanford Law School, Stanford, California 2005-2013

Chair, Design Patents in the Modern World, Stanford, California April 5-6, 2013

Convenor, Overlaps Between Patent and Copyright Law, American Law Institute, Washington, DC February 21, 2013

IP Scholars' Conference, Stanford Law School, Stanford, California August 9-10, 2012

Chair or co-chair Co-chair, Patent Institutions Summit, Stanford, California May 21, 2012

Chair, Stanford Conference on IP and the Biosciences, Stanford, California April 27, 2012

Co-chair, Stanford-ABA Conference on Innovation and Antitrust, Stanford, California October 6, 2011

Co-chair, Stanford Law School-ABA conference on Antitrust and Innovation, Stanford, California May 20-21, 2010

Co-chair, Stanford Law School Conference on Intellectual Property Law and the Biosciences, Stanford, California May 8, 2009

IP Scholars' Conference, Stanford Law School, Stanford, California August 7-8, 2008

Co-chair, Stanford-Berkeley conference on STS and IP Law, St. Helena, California May 9-10, 2008



Chair, Stanford IP Seminar for Chinese Judges, August 12-21, 2007

Co-chair, Stanford Law School Conference on Intellectual Property and Biosciences, Stanford, California September 15, 2006

**Conferences Chaired continued**

Co-chair, "Standardization and the Law: Finding the Golden Mean for International Trade," Stanford Law School, Stanford, California September 22-23, 2005

Co-chair, conference on "Biotechnology & Intellectual Property: Current Controversies," Stanford Law School, Stanford, California March 11, 2005

Chair, Empirical Patent Research Conference, St. Helena, California, February 4, 2005

Chair or co-chair, Eighth through Eighteenth Annual University of Texas Computer Law Conferences, San Francisco, California 2001-2002 and Austin, Texas 1995-2006

Co-chair, Patent System Reform conference, Berkeley, California April 15-16, 2004

Chair, Third Annual Intellectual Property Scholars Conference, Berkeley, California August 8-9, 2003

Chair, Patent System Reform conference, Berkeley, California March 1-2, 2002

Chair, Beyond Microsoft: Antitrust, Technology and Intellectual Property, Berkeley, California March 2-3, 2001

Co-Chair, The Legal and Policy Infrastructure for Global Electronic Commerce, Berkeley, California March 5-6, 1999

Co-chair, Intellectual Property and Contract in Digital Media: The Impact of Uniform Commercial Code Article 2B, Berkeley, California, April 27-28, 1998

Chair, 1998 Computers, Freedom and Privacy conference (CFP98), Austin, Texas, February 18-20, 1998

**Congressional and Administrative Testimony and Judicial Education**

Testimony before the U.S. Patent and Trademark Office on AI and Inventorship, May 8, 2023

Letter in Opposition to the Journalism Competition & Promotion Act, Senate Judiciary Committee, September 7, 2022

Testimony in Support of Connecticut SB 906, An Act Concerning Noncompetes, February 19, 2021 (with Orly Lobel)

"Patent Law and Biotechnology," presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California February 27, 2020

"Patentable Subject Matter Reform," testimony before the IP Subcommittee, Senate Committee on the Judiciary, June 4, 2019

"Patent Law and Biotechnology," presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California January 24, 2019

"Patent Infringement, Defenses, and Remedies," presentation, Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 23, 2018

“Patent Law and Biotechnology,” presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California January 19, 2018

### **Testimony and Judicial Education continued**

“The Sharing Economy,” presentation to the National Foundation for Judicial Excellence, Chicago, Illinois July 15, 2017

“Patent Infringement, Defenses, and Remedies,” presentation, Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 17, 2017

“Patent Law and Biotechnology,” presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California January 20, 2017

“Patent Law and Biotechnology,” presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California January 16, 2016

“IP and Antitrust,” Stanford-AAI conference on the Economics of Competition, Stanford, California August 28, 2015

“Patent Infringement, Defenses, and Remedies,” presentation, Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 18, 2015

“IP and Antitrust,” Stanford-AAI conference on the Economics of Competition, Stanford, California August 15, 2014

“Patent Infringement, Defenses, and Remedies,” presentation, Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 20-21, 2014

“The Top Ten Ways Patent Law Will Change This Year,” presentation to the Northern District of California Judicial Conference, Sonoma, California January 29, 2014

“Patent Law and Biotechnology,” presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California January 16, 2014

“IP and Antitrust,” Stanford-AAI conference on the Economics of Competition, Stanford, California August 24, 2013

“Patent Litigation, What’s New, What’s Different, and What the Courts Can Do,” Ninth Circuit Judicial Conference, San Diego, California July 16, 2013

“Patent Infringement, Defenses, and Remedies,” presentation, and panelist, “Patentable Subject Matter,” “Design Patents,” and “Damages Issues,” Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 22-24, 2013

“Patent Law and Biotechnology,” presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California January 20, 2013

“Patent Infringement, Defenses, and Remedies,” presentation, and panelist, “Managing Patent Cases” and “Damages Issues,” Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 22-23, 2012

Panelist, “Patent Trolls,” Northern District of California Judicial Conference, Monterey, California April 28, 2012

Chair and presenter, sessions on “Patent Validity”, and “Infringement and the Doctrine of Equivalents”, Stanford IP Seminar for Chinese Judges, Stanford, California May 18-27, 2011

### **Testimony and Judicial Education continued**

“Patent Infringement, Defenses, and Remedies,” presentation, and panelist, “Managing Patent Cases,” Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 21, 2011

“Patent Law and Biotechnology,” presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California January 21, 2011

“Patent Damages,” presentation to Federal Judicial Center Advanced Patent Workshop, Berkeley, California September 24, 2010

“Is There Life After Trinko and Credit Suisse?: The Role of Antitrust in Regulated Industries,” testimony before the Subcommittee on Courts and Competition Policy of the Committee on the Judiciary of the U.S. House of Representatives, Washington, DC June 15, 2010

“Patent Infringement, Defenses, and Remedies,” presentation, and panelist, “Managing Patent Cases,” Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 12, 2010

“Patent Law and Biotechnology,” presentation to the Federal Judicial Center program on Law and Genetics, Stanford, California January 21, 2010

“Internet Law,” panel presentation to the Fourth Circuit Judicial Conference, White Sulphur Springs, West Virginia June 25, 2009

“Patent Infringement, Defenses, and Remedies” presentation to the Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 27, 2009

“Patent Damages,” testimony before the Federal Trade Commission, Berkeley, California May 5, 2009

Panelist, “Hot Topics in Patent Law,” Northern District of California Judicial Conference, Yountville, CA April 18, 2009

“The Evolving IP Marketplace,” testimony before the Federal Trade Commission, Washington, DC April 17, 2009

“Patent Reform in the Courts and Congress,” testimony before the Judiciary Committee of the U.S. Senate, 111<sup>th</sup> Congress, 1<sup>st</sup> Session March 10, 2009

“Patent Infringement, Defenses, and Remedies” presentation to the Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 21, 2008

“Intellectual Property and Genetics,” presentation to Federal Judicial Center Law and the Biosciences Seminar, Stanford, California January 13, 2008

Chair and presenter, sessions on “Patents, Standards and Competition”, “Injunctive Relief After *eBay*”, and “IP and Antitrust”, Stanford IP Seminar for Chinese Judges, August 12-21, 2007

“Bayh-Dole: The Next 25 Years,” testimony before the Technology and Innovation subcommittee of the Science and Technology Committee of the U.S. House of Representatives, 110th Cong., 1st Sess., July 17, 2007

Chair, Intellectual Property Rights and Technology, program for judges of the Karnataka High Court, India, May 13, 2007

### **Testimony and Judicial Education continued**

“Intellectual Property and Genetics,” presentation to Federal Judicial Center Law and the Biosciences Seminar, Stanford, California January 12, 2007

“Patent Infringement,” “Defenses,” and “Remedies,” presentations to the Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, June 7, 2006

Testimony on “Patent Quality Enhancement in the Information-Based Economy” before the subcommittee on Courts, the Internet and Intellectual Property of the Committee on the Judiciary of the U.S. House of Representatives, Washington, DC April 5, 2006

“Intellectual Property and Genetics,” presentation to Federal Judicial Center Law and the Biosciences Seminar, Stanford, California January 13, 2006

Testimony on “Patent Reform” before the Antitrust Modernization Commission, Washington, D.C., November 8, 2005

Testimony on “Protecting Copyright and Innovation in a Post-Grokster World” before the Judiciary Committee of the U.S. Senate, 109<sup>th</sup> Cong., 1<sup>st</sup> Sess., September 28, 2005

Testimony on “Market Competitiveness: Does State Antitrust Law Need to be Updated?,” before the California Senate Judiciary Committee, Sacramento, California August 23, 2005

“Testimony on Patent System Reform: Injunctions and Remedies” before the Intellectual Property subcommittee of the Judiciary Committee of the U.S. Senate, 109<sup>th</sup> Cong., 1<sup>st</sup> Sess., June 14, 2005

“Written Description,” “Patent Infringement,” “Defenses,” and “Remedies,” presentations to the Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 25, 2005

Testimony on HR 683 relating to trademark dilution before the Courts, the Internet and Intellectual Property subcommittee of the Judiciary Committee of the U.S. House of Representatives, 109<sup>th</sup> Cong., 1<sup>st</sup> Sess., February 17, 2005

Panelist, “Internet Law,” presentation to the Ninth Circuit Judicial Conference, San Francisco, California, February 1, 2005

“Claim Construction,” “Doctrine of Equivalents,” “Willful Infringement,” and “Trademark Dilution,” presentations to the Federal Judicial Center’s National Workshop for District Judges, Philadelphia, Pennsylvania, April 19, 2004; Chicago, Illinois, June 8, 2004; and Seattle, Washington, September 21, 2004

Written testimony on SB 1506 relating to identity of file-sharers before the California Senate Judiciary Committee, April 12, 2004

“Prosecution History Estoppel” and “Subpoenas Under the DMCA,” presentations to the Seventh Circuit Judicial Conference, Lake Geneva, Wisconsin, Oct. 15, 2003

“Written Description,” “Infringement,” “Remedies,” and “Scope of Waiver of Attorney-Client Privilege,” presentations to the Federal Judicial Center workshop for U.S. District Court Judges, Berkeley, California, May 28, 2003

“Geography and the Internet,” presentation to the National Symposium for Federal Appellate Judges, Federal Judicial Center, Washington, DC October 22, 2002

### **Testimony and Judicial Education continued**

“Claim Construction,” “Patent Infringement” and “Patent Remedies”, presentations to the Federal Judicial Center program Intellectual Property in the New Technological Age, Berkeley, California, June 19, 2002

Written testimony regarding California SB 1814, relating to monopolization, June 14, 2002

“Intellectual Property Rights and Standard-Setting Organizations,” testimony before the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice, Washington, DC, April 18, 2002

“The Role of Patents in Innovation,” testimony before the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice, Berkeley, CA, February 26, 2002

“Internet Jurisdiction” and “Contracts and Preemption,” presentations to ABA State Appellate Judicial Conference, Vancouver, BC, July 24, 2001

“Patent Claim Construction,” “Written Description” and “Doctrine of Equivalents,” presentations to the Federal Judicial Center program Understanding the Landscape of Intellectual Property Law, Berkeley, California, June 20-22, 2001

“Doctrine of Equivalents” and “Willful Infringement,” presentations to the Central District of California judicial retreat, Ojai, California, Feb. 2, 2001

“Intellectual Property and Sovereign Immunity,” testimony before the Courts and Intellectual Property subcommittee of the Judiciary Committee of the U.S. House of Representatives, 106th Cong., 2nd Sess., July 27, 2000

“Patent Claim Construction,” “Contract Preemption,” and “Internet Jurisdiction,” presentations to the Federal Judicial Center program Understanding the Landscape of Intellectual Property Law, Berkeley, California, June 21-23, 2000

“Internet Jurisdiction” and “Contract Preemption,” presentations to the Ninth Circuit Judicial Conference, San Diego, California, January 12, 2000

“Intellectual Property and the Challenges Presented by New Technology,” presentation to the Federal Judicial Center’s National Workshop for District Judges, Baltimore, Maryland, August 19, 1999 and Chicago, Illinois, September 10, 1999

Testimony before the California Senate in support of SB 1146, relating to trade secrets in auto emissions devices, June 22, 1999

Written testimony before the Texas House of Representatives regarding H.B. 22, relating to assignment of an employee's rights in an invention, April 14, 1999

“State Intellectual Property Law and Preemption,” presentation to the Federal Judicial Center program Understanding the Landscape of Intellectual Property Law, Berkeley, California, June 19, 1998

Testimony before the Federal Trade Commission on the Joint Venture Guidelines Project, Washington, DC, March 20, 1998

Testimony Concerning the Need for and Effects of H.R. 359, Relating to Patent Term, before the Courts and Intellectual Property subcommittee of the Judiciary Committee of the U.S. House of Representatives, 104th Cong., 1st Sess., Nov. 1, 1995

### **Testimony and Judicial Education continued**

More than 500 other presentations to conferences, universities, colloquia, academic business executives and bar groups on various issues related to intellectual property, antitrust, computer and Internet law, telecommunications, and electronic commerce, 1994-2023

## **FACULTY SERVICE**

### **Stanford Law School**

Member, Appointments Committee, 2005–06, 2016-17, 2019-20, 2023-24 (chair)  
Member, Career Services Committee, 2021-2022  
Member, Tenure Committee, 2009–10, 2013-14 (chair), 2016-17 (chair), 2019-20 (chair), 2021-22  
Member, Admissions Committee, 2017-2019  
Member, Dean Search Committee, 2012  
Member, Joint Degrees/Interdisciplinary Programs Committee, 2007-08, 2011–2015  
Faculty Advisor, Stanford IP Association, 2009 – present  
Member, Clerkships Committee, 2008-11  
Member, Committee on Honors, 2008-09  
Director, Program in Law, Science and Technology, 2004 – present  
Director, LLM Program in Law, Science and Technology, 2004-15  
Member, International Programs Committee, 2004-05  
Faculty Advisor, Stanford Law and Technology Association, 2004 – present

### **Boalt Hall School of Law**

Co-Director, Berkeley Center for Law and Technology, 1999 - 2004  
Chair, Faculty Appointments Committee, 2002 – 2003; member, 2000 – 2001  
Faculty Advisor, Berkeley Technology Law Journal, 2003 - present  
Faculty Advisor, Saul Lefkowitz Trademark Moot Court team, 2000 – 2001  
Member, Computer Advisory Committee, 2000

### **University of California at Berkeley**

Chair, University Dean Search Committee, Haas School of Business, 2001 – 2002

### **University of Texas System**

Judge, UT Student Association Appellate Court, 1995 - 1999  
University Hearing Officer, 1995 - 1999  
Member, Computer and Information Technology Use Policies Committee, 1996 - 2000  
Member, Intellectual Property Committee, 1994 – 2000

### **University of Texas School of Law**

Member, Career Services Committee, 1995 - 2000  
Member, Computer Services Committee, 1994 - 2000 (chair, 1997 and 1999)  
Member, Library Committee, 1994 - 1996, 1997 - 1999 (chair, 1995 - 1996)

Coordinator, Lectures and faculty colloquia, 1999 - 2000  
Faculty advisor, Texas Intellectual Property Law Journal, 1994 – 2000  
Faculty advisor, Intellectual Property Law Society, 1994 - 2000  
Faculty advisor, Giles S. Rich Intellectual Property Moot Court team, 1995 – 2000