

# LISA LARRIMORE OUELLETTE

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## EXPERIENCE

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### Stanford Law School

Deane F. Johnson Professor of Law, 2022–present  
Senior Fellow, Stanford Institute for Economic Policy Research, 2021–present  
Professor of Law and Justin M. Roach, Jr. Faculty Scholar, 2020–2022  
Associate Professor of Law, 2017–2020  
Assistant Professor of Law, 2014–2017

John Bingham Hurlbut Award for Excellence in Teaching, 2018

*Courses:* Introduction to Intellectual Property                      Patent Law  
International & Comparative Patent Law                      Patent Law: Japan Field Study  
Biomedical Innovation Law & Policy                      Science & the Law  
Innovation & Inequality                      Directed Research

**Yale Law School**, Information Society Project Postdoctoral Fellow, 2012–14

**U.S. Court of Appeals for the Second Circuit**, Law Clerk to the Hon. John M. Walker, Jr., 2013–14

**U.S. Court of Appeals for the Federal Circuit**, Law Clerk to the Hon. Timothy B. Dyk, 2011–12

## EDUCATION

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**Yale Law School**, J.D., 2011

*Yale Law Journal*, Articles Editor  
Coker Fellow (Legal Writing Instructor) in Contract Law

**Cornell University**, Ph.D. in Physics, 2008

Dissertation: *Chemical and Biological Sensing with Carbon Nanotubes in Solution*  
National Science Foundation Graduate Research Fellowship  
Research at the Max Planck Institute in Göttingen, Germany

**Swarthmore College**, B.A. with High Honors in Physics with a Minor in Mathematics, 2002

Elmore Prize in Physics; American Physical Society Apker Award Finalist; Phi Beta Kappa

## CASEBOOK

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**PATENT LAW: CASES, PROBLEMS, AND MATERIALS** (3rd ed. 2023) (with Jonathan S. Masur) (free casebook, adopted at over 50 law schools, with supplementary [one-day IP overview](#))

## ARTICLES AND BOOK CHAPTERS

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*Real-World Prior Art*, 76 STAN L. REV. (forthcoming 2024) (with Jonathan S. Masur)

*IP and Public Research in Health Emergencies: U.S. Law and Best Practices* (WIPO Discussion Paper) (2023)

*Innovation Law and COVID-19: Promoting Incentives and Access for New Healthcare Technologies*, in COVID-19 AND THE LAW: DISRUPTION, IMPACT AND LEGACY (Cambridge University Press, forthcoming 2023) (with Rachel E. Sachs, W. Nicholson Price II & Jacob S. Sherkow)

*The NBER Orange Book Dataset: A User's Guide*, 52 RESEARCH POLICY 104791, 1–17 (2023) (with Maya Durvasula, C. Scott Hemphill, Bhaven N. Sampat & Heidi L. Williams)

*The Generic Drug Trilemma*, in 2 ENTREPRENEURSHIP AND INNOVATION POLICY AND THE ECONOMY 41–77 (2023) (with Daniel J. Hemel) (highlighted by [SIEPR](#))

*Valuing Medical Innovation*, 75 STAN. L. REV. 517–99 (2023) (with Daniel J. Hemel)

*Responding to the Opioid Crisis in North America and Beyond: Recommendations of the Stanford–Lancet Commission*, 399 LANCET 555–604 (2022) (with Keith Humphreys et al.)

*Private and Public Investments in Biomedical Research*, 111 AEA PAPERS & PROC. 341–45 (2021) (with Maya Durvasula & Heidi Williams)

*Trademark Law Pluralism*, 88 U. CHI. L. REV. 1025–81 (2021) (with Daniel J. Hemel)

*Reforming the Patent System*, THE HAMILTON PROJECT (2020) (with Heidi Williams) (endorsed by Senator Thom Tillis in a [letter urging the USPTO](#) to adopt the proposed policy reforms, resulting in [USPTO guidance](#) partially following one suggestion)

*Innovation Policy and the Market for Vaccines*, 7 J.L. & BIOSCIENCES Isaa026 (2020) (with Qiwei Claire Xue)

*Improving Scientific Judgments in Law and Government: A Field Experiment of Patent Peer Review*, 17 J. EMPIRICAL LEGAL STUD. 190–223 (2020) (with Daniel E. Ho) (highlighted in [Science](#))

*Innovation Institutions and the Opioid Crisis*, 7 J.L. & BIOSCIENCES Isaa001(2020) (with Daniel J. Hemel)

*How Do Patent Incentives Affect University Researchers?*, 61 INT’L REV. L. & ECON. 105883 (2020) (with Andrew Tutt) (special issue for the 2019 Empirical Legal Studies Replication Conference) ([data online](#))

*The Medicare Innovation Subsidy*, 95 N.Y.U. L. REV. 75–129 (2020) (with Mark A. Lemley & Rachel E. Sachs) (selected for review in [Jotwell](#) by Jessica Lind Mantel)

*Policy Experiments to Address Gender Inequality Among Innovators*, 57 HOUS. L. REV. 813–41 (2020) (with Amy C. Madl) (invited)

*University Patenting: Is Private Law Serving Public Values?*, 2019 MICH. ST. L. REV. 1329–87 (2020) (with Rebecca Weires) (invited)

*Science Fiction: Fictitious Experiments in Patents*, 364 SCIENCE 1036–37 (2019) (with Janet Freilich)

*Innovation Policy Pluralism*, 128 YALE L.J. 544–614 (2019) (with Daniel J. Hemel) (selected for review in [Jotwell](#) by Ted Sichelman, Kevin Collins, and Sam Halabi)

*Adjusting Patent Damages for Nonpatent Incentives*, 26 TEX. INTELL. PROP. L.J. 187–213 (2018) (invited)

*Public Perceptions of Government Speech*, 2017 SUP. CT. REV. 33–92 (2018) (with Daniel J. Hemel) ([data online](#))

*What Causes Polarization on IP Policy?*, 52 U.C. DAVIS L. REV. 1193–1241 (2018) (with Maggie Wittlin & Gregory N. Mandel) ([data online](#))

*Who Reads Patents?*, 35 NATURE BIOTECHNOLOGY 421–24 (2017) ([data online](#))

*Bayh–Dole Beyond Borders*, 4 J.L. & BIOSCIENCES 282–310 (2017) (with Daniel J. Hemel) (selected for [Editors’ Choice 2020](#))

*A Market Test for Bayh–Dole Patents*, 102 CORNELL L. REV. 271–331 (2017) (with Ian Ayres) (discussed on the [Jaharis Podcast on Health & IP](#))

*Knowledge Goods and Nation–States*, 101 MINN. L. REV. 167–243 (2016) (with Daniel J. Hemel)

*Pierson, Peer Review, and Patent Law*, 69 VAND. L. REV. 1825–48 (2016) (invited)

- Trade and Tradeoffs: The Case of International Patent Exhaustion*, 116 COLUM. L. REV. SIDEBAR 17–31 (2016) (with Daniel J. Hemel) (cited by *Lexmark v. Impression Prods.*, 816 F.3d 721 (Fed. Cir. 2016) (en banc))
- How Courts Adjudicate Patent Definiteness and Disclosure*, 65 DUKE L.J. 609–95 (2016) (with John R. Allison) ([data online](#))
- Patentable Subject Matter and Nonpatent Innovation Incentives*, 5 U.C. IRVINE L. REV. 1115–45 (2015) (invited) (reprinted in the 2017 edited volume *Intellectual Property and Innovation*)
- Nanotechnology and Innovation Policy*, 29 HARV. J.L. & TECH. 33–75 (2015) (background study for the World Intellectual Property Organization’s *World IP Report 2015*)
- Deference Mistakes*, 82 U. CHI. L. REV. 643–731 (2015) (with Jonathan S. Masur) (cited by the Sixth Circuit and two federal district courts)
- Patent Experimentalism*, 101 VA. L. REV. 65–128 (2015)
- The Google Shortcut to Trademark Law*, 102 CALIF. L. REV. 351–407 (2014) (selected as one of the best IP articles of 2014 for the *Intellectual Property Law Review*, and cited by *McCarthy on Trademarks* and two federal district courts)
- Cultural Cognition of Patents*, 4 IP THEORY 28–36 (2014)
- Beyond the Patents–Prizes Debate*, 92 TEX. L. REV. 303–82 (2013) (with Daniel J. Hemel) (selected for review in *Jotwell* by Ted Sichelman)
- Do Patents Disclose Useful Information?*, 25 HARV. J.L. & TECH. 545–607 (2012) ([data online](#))
- The Polarizing Impact of Science Literacy and Numeracy on Perceived Climate Change Risks*, 2 NATURE CLIMATE CHANGE 732–35 (2012) (with Dan M. Kahan et al.)
- What Are the Sources of Patent Inflation? An Analysis of Federal Circuit Patentability Rulings*, 121 YALE L.J. ONLINE 347–73 (2011) ([data online](#))
- How Many Patents Does It Take to Make a Drug? Follow-On Pharmaceutical Patents and University Licensing*, 17 MICH. TELECOMM. & TECH. L. REV. 299–336 (2010)
- Access to Bio-Knowledge: From Gene Patents to Biomedical Materials*, 2010 STAN. TECH. L. REV. N1
- Comment, *Addressing the Green Patent Global Deadlock Through Bayh-Dole Reform*, 119 YALE L.J. 1727–38 (2010)

## SHORTER WORKS

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- WRITTEN DESCRIPTION BLOG (blog founder and author of over 350 posts since 2011, reviewing IP and innovation scholarship and analyzing IP news, and curating lists of classic patent scholarship and Supreme Court patent cases), <http://writtendescription.blogspot.com>
- Commercialization of NIH-Supported Research* (May 2023) (prepared for the [Building a Better NIH](#) project, a partnership between Brookings, Institute for Progress, and Good Science Project)
- Policy Experimentation to Address Inequality Among Innovators*, JOTWELL (Apr. 4, 2023)
- Public Use Without the Public Using*, PATENTLY-O (Feb. 26, 2023) (with Jonathan S. Masur)
- Response to Request for Comments on USPTO Initiatives to Ensure the Robustness and Reliability of Patent Rights* (Jan. 27, 2023) (with Jonathan S. Masur)
- COVID-19 Blog Post Series* (with Rachel Sachs, Jacob S. Sherkow & Nicholson Price) (Mar. 2020–June 2022)
- Prior Art in Copyright*, JOTWELL (Feb. 17, 2022)

*Response to USPTO Request for Comments on Patent Eligibility Jurisprudence Study* (Sept. 7, 2021) (with Maya M. Durvasula & Heidi L. Williams)

*Waiving COVID-19 Vaccine Patents*, LEGAL AGGREGATE (May 4, 2021)

*How Do Innovation Races Affect Research Quality?*, JOTWELL (Apr. 30, 2021)

*Reforming the Patent System to Support Innovation*, in #TECH2021: IDEAS FOR DIGITAL DEMOCRACY (Karen Kornbluh & Sam duPont eds. 2020) (with Heidi Williams)

*Breaking America's Patent Stalemate*, PROJECT SYNDICATE (Nov. 18, 2020) (with Heidi Williams)

*Pharmaceutical Profits and Public Health Are Not Incompatible*, N.Y. TIMES (Apr. 8, 2020) (with Daniel Hemel)

*The Productivity Gains of Innovation Clusters*, JOTWELL (Mar. 13, 2020)

*Want a Coronavirus Vaccine, Fast? Here's a Solution*, TIME (Mar. 4, 2020) (with Daniel Hemel)

*Should Patent Examiners Get More Time?*, JOTWELL (Mar. 13, 2019)

*Does Running Out of (Some) Trademarks Matter?*, 131 HARV. L. REV. F. 116–26 (2018)

*What Is the Payoff from Public R&D Investments?*, JOTWELL (Feb. 28, 2018)

*Selling Patents to Indian Tribes to Delay the Market Entry of Generic Drugs*, 178 JAMA INTERNAL MED. 179–80 (2018) (with Gregory Ablavsky)

*Licensing in the Shadow of Impression Products*, LEGAL AGGREGATE (May 31, 2017) (with Daniel Hemel)

*Do Patents Work?*, JOTWELL (May 10, 2017)

*How 'Price Discrimination' Helps Less-Affluent Countries*, WALL ST. J. (Mar. 20, 2017) (with Daniel Hemel)

*Cuozzo v. Lee and the Potential for Patent Law Deference Mistakes*, LEGAL AGGREGATE (June 23, 2016)

*Halo v. Pulse and the Increased Risks of Reading Patents*, LEGAL AGGREGATE (June 16, 2016)

*Is It Time to Overrule the Trademark Classification Scheme?*, JOTWELL (May 6, 2016)

*Will the Federal Circuit Recognize the U.S.–Foreign Tradeoff in Friday's Lexmark Argument?*, PATENTLY-O (Sept. 30, 2015) (with Daniel Hemel)

*The PTO Is Not the Only Patent Agency*, JOTWELL (May 6, 2015)

*Intellectual Property as Global Public Finance*, BALKINIZATION (Mar. 20, 2015)

*How Will Nautilus Affect Indefiniteness at the PTO?*, PATENTLY-O (June 5, 2014) (with Jonathan Masur)

*Research Tax Credits: An Important Tool*, 343 SCIENCE 485 (2014) (with Daniel J. Hemel)

*Do Scientists Read Patents?*, IPWATCHDOG (July 18, 2013)

*Patent Troll Panel at Yale Law School*, PATENTLY-O (Mar. 14, 2013)

*Nanotechnology Patents Are Useful but Could Be Improved*, 7 NATURE NANOTECHNOLOGY 770 (2012)

*Reproducible Research: Addressing the Need for Data and Code Sharing in Computational Science*, COMPUTING SCI. & ENGINEERING, Sept./Oct. 2010, at 8 (with Victoria Stodden et al.)

*License to Green: Can We Have Clean Energy and Patents, Too?*, SLATE (Apr. 21, 2010)

## SELECTED RECENT PRESENTATIONS

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National Institutes of Health—Workshop on Transforming Discoveries into Products (July 2023) ([agenda](#))  
National Academy of Sciences—Conference on Experimentation in Federal Funding (Mar. 2023)  
Brookings Institute—Building a Better NIH (Oct. 2022)  
NBER Summer Institute—Innovation Discussant (July 2022) ([video](#))  
National Academy of Sciences—Conference on the Science of Science and Innovation (June 2022)  
Iowa Law School—Micro-Symposium on Patent Law Textbooks (Nov. 2021) ([video](#))  
University of Wisconsin Law School—Kastenmeier Lecture (Oct. 2021) ([video](#))  
Harvard Medical School—Health Policy and Bioethics Consortium (Sept. 2021) ([video](#))  
Max Planck Institute for Innovation & Competition—Innovation & Entrepreneurship Seminar (May 2021)  
NYU Law School—Setting Rewards for Medical Innovation (Mar. 2021) ([video](#)) ([transcript](#))  
Physics Department Colloquium at the University of Florida (Feb. 2021)  
Harvard Law School—Health Law, Bioethics, Biotechnology Workshop (Sept. 2020) ([video summary](#))  
European Policy for Intellectual Property (EPIP)—COVID-19, Innovation and IP (Sept. 2020) ([video](#))  
Iowa Innovation, Business & Law Center Summer Speaker Series on COVID-19 (July 2020) ([video](#))  
Washington University School of Law—Health & Information Policy Colloquium (Mar. 2020)  
Houston Law Review Frankel Lecture Commentator (Oct. 2019) ([video](#))  
Stanford Human-Centered Artificial Intelligence Conference—IP for AI (Oct. 2019) ([video](#))  
Duke Law School—Faculty Workshop (Sept. 2019)  
Stanford Directors' College—The Board's Role in Patent and IP Strategy (Panel Organizer) (June 2019)  
PatCon9: The Annual Patent Conference at Kansas Law (Plenary Speaker) (Apr. 2019)  
Stanford Law School University Patenting Roundtable (Organizer) (Mar. 2019)  
UT Austin Law School Symposium—Does Administrative Patent Law Promote Innovation? (Feb. 2019)  
Harvard Law School—Law & Economics Seminar (Oct. 2018)  
Yale Law School—Yale Law Journal Contemporary Scholarship Workshop (Oct. 2018)  
ETH Zurich—Workshop & Lecture Series on the Law & Economics of Innovation (Oct. 2018)  
Georgetown Law School—Law & Economics Colloquium (Sept. 2018)  
NBER Summer Institute—Innovation Discussant (July 2018)  
University of Chicago—Law & Economics Workshop (Apr. 2018)  
Berkeley Law School—Symposium on Administrative Law & IP (Apr. 2018)  
Yale Law School—Law, Economics, and Organization Workshop (Jan. 2018)  
N.D. Cal. Practice Program Patent Law Year in Review (Jan. 2018)

## PROFESSIONAL SERVICE

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Contributing Editor, *Jotwell* Intellectual Property Section, 2015–present  
ABA Standing Committee on the Judiciary—Stanford Law Reading Group on the Supreme Court  
Nomination of the Honorable Ketanji Brown Jackson, 2022  
American Law & Economics Association (ALEA) Area Organizer for Intellectual Property, 2020

Stanford University Academic Emergency Operations Center Education Group, 2020

Stanford University Catalyst for Collaborative Solutions Review Panel, 2018

Stanford Law School Service

Stanford Law Association Faculty Mentor, 2015–present

Appointments Committee, Chair, 2022–23, Member, 2021–22

Capital Plan Advisory Committee, 2021–22

Committee on Teaching and Classroom Climate, 2020–21

Curriculum Committee, 2019–21

Grading System Working Group, 2020

Admissions Committee, 2014–18, 2020

Clerkship Committee, 2014–19

Judicial Workplace Environment Working Group, 2019

Intellectual Property Writing Award Judge, 2015–16

Reviewer

*Annals of Internal Medicine*

*Cambridge University Press*

*Clinical Chemistry*

*Columbia Law Review*

*Environmental Science & Technology*

*Harvard Law Review*

*JAMA Internal Medicine*

*Journal of Empirical Legal Studies*

*Journal of Law, Economics & Organization*

*Journal of Law & the Biosciences*

*Journal of World Intellectual Property*

*Law & Social Inquiry*

*Oxford University Press*

*Research Policy*

*Science*

*Stanford Law Review*

*Stanford Technology Law Review*

*University of Chicago Law Review*

*Value in Health*

*Washington Center for Equitable Growth*

*Yale Law Journal*

*Yale Journal of Biology & Medicine*

*Yale Journal of Health Policy, Law & Ethics*

## BAR ADMISSIONS

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*State:* New York (2012)

*Federal:* Court of Appeals for the Federal Circuit (2012)