

MICHAEL A. CARRIER

Rutgers University School of Law
217 North Fifth Street
Camden, NJ 08102

856.225.6380 (office)
mcarrier@law.rutgers.edu
@profmikecarrier

Highlights

- Co-author of leading IP/antitrust treatise, *IP AND ANTITRUST LAW: AN ANALYSIS OF ANTITRUST PRINCIPLES APPLIED TO INTELLECTUAL PROPERTY LAW* (3d ed. 2017 and annual updates, with Hovenkamp, Janis, Lemley, and Leslie)
- Internationally-acclaimed *Innovation for the 21st Century: Harnessing the Power of Intellectual Property and Antitrust Law* (Oxford 2009, paperback 2011)
- *Critical Concepts in IP Law: Competition* (editor, Edward Elgar 2011)
- 115 book chapters and law review articles, including in the primary law reviews of Stanford, Michigan, Penn, Cornell, Duke, Vanderbilt, Minnesota, Iowa, and Notre Dame, and online journals at Harvard, Yale, Stanford, Chicago, Columbia, Michigan, NYU, Penn, and Northwestern
- Scholarship served as basis for legislation introduced in 116th Congress on citizen petitions (S. 660; S. 1895) and product hopping (S. 1416)
- Cited in opinions of U.S. Supreme Court, California Supreme Court, D.C. Circuit, Second/Third/Fourth/Tenth Circuits, district courts, ITC, FTC
- Wrote/submitted amicus briefs on behalf of consumer/antitrust organizations and hundreds of professors in U.S. and California Supreme Courts and Federal, 1st, 2nd, 3rd Circuits
- Testified before Senate Judiciary Committee (twice), House Energy & Commerce Committee, FDA, FTC, and National Academies, and gave talks to U.S. Department of Justice, Canadian Competition Bureau, and state attorneys general
- Contributing Editor of Antitrust Law Journal
- Served on ABA Antitrust 2016 Presidential Transition Task Force
- First recipient of Greg Lastowka Memorial Award for Scholarly Excellence
- First recipient of Chancellor's Award for Outstanding Research and Creative Activity
- Teaching Awards: Grand Marshal (2018, 2017); Graduation Hooder (2015); Reader (2014, 2013, 2011)
- Top 1/7 of 1% (#544 of 419,974) of SSRN authors
- Quoted more than 1800 times in ABC NEWS, BLOOMBERG, BOSTON GLOBE, CBS NEWS, CNBC.COM, CNN, CONSUMER REPORTS, C-SPAN, ECONOMIST, ESPN, FINANCIAL TIMES, FORBES, FORTUNE, FOX NEWS, HUFFINGTON POST, LOS ANGELES TIMES, NATURE, NBC NEWS, N.Y. TIMES, NPR, PBS, POLITICO, REUTERS, SAN FRANCISCO CHRONICLE, SPORTS ILLUSTRATED, THE ATLANTIC, USA TODAY, WALL STREET JOURNAL, WASHINGTON POST, other publications

Michael A. Carrier
Rutgers University School of Law

CURRENT EMPLOYMENT

Rutgers University School of Law, Camden, New Jersey

Distinguished Professor & Co-Director, Rutgers Institute for Information Policy & Law
(July 2013 – present)

Professor & Co-Director, Rutgers Institute for Information Policy & Law (July 2010 –
June 2013)

Professor (July 2006 – June 2010)

Associate Professor (July 2004 – June 2006)

Assistant Professor (July 2001 – June 2004)

Visiting Assistant Professor (July 2000 – June 2001)

The Hebrew University of Jerusalem, Jerusalem, Israel

Visiting Professor (June 2019)

Tel Aviv University, The Buchmann Faculty of Law, Tel Aviv, Israel

Visiting Professor (December 2014 – January 2015)

Karl-Franzens Universitat, Graz, Austria

Visiting Lecturer (June 2010)

Classes: Advanced Antitrust, Antitrust, Intellectual Property, Intellectual Property: Current
Issues, Property

PUBLICATIONS

Books:

IP AND ANTITRUST LAW: AN ANALYSIS OF ANTITRUST PRINCIPLES APPLIED TO INTELLECTUAL
PROPERTY LAW (3d ed. 2017 and annual updates, with Hovenkamp, Janis, Lemley, and
Leslie)

CRITICAL CONCEPTS IN INTELLECTUAL PROPERTY LAW: COMPETITION (Editor, Edward Elgar
Publishing, 2011)

INNOVATION FOR THE 21ST CENTURY: HARNESSING THE POWER OF INTELLECTUAL PROPERTY
AND ANTITRUST LAW (Oxford University Press 2009, paperback 2011)

- Subject of symposia in *Alabama Law Review* and on patent (PatentlyO) and antitrust (Truth on the Market) blogs

Michael A. Carrier
Rutgers University School of Law

Book chapters:

The Intersection of IP and Competition Law, in INTERSECTIONS OF ANTITRUST: POLICY AND REGULATION (Jonathan Galloway editor, Oxford University Press, forthcoming 2019) (solicited)

Four Innovation Myths, Liber Amicorum for Bert Foer, CONCURRENCES (forthcoming 2019) (symposium)

Product Hopping: The U.S. Approach, in EU LAW OF COMPETITION AND TRADE IN THE PHARMACEUTICAL SECTOR (Pablo Figueroa & Alejandro Perez editors, Edward Elgar Publishing, 2019) (solicited)

U.S. Intellectual Property and Competition Law, in THE INTERPLAY BETWEEN COMPETITION LAW AND INTELLECTUAL PROPERTY - AN INTERNATIONAL PERSPECTIVE (Gabiella Muscolo & Marina Tavassi editors, Kluwer, 2018) (solicited)

Introduction to Part II, THE CAMBRIDGE HANDBOOK OF TECHNICAL STANDARDIZATION LAW (Jorge Contreras editor, Cambridge University Press, 2017) (solicited)

Drug Patent Settlements, in CAMBRIDGE UNIVERSITY PRESS ANTITRUST INTELLECTUAL PROPERTY AND HIGH TECH HANDBOOK (D. Daniel Sokol editor, Cambridge University Press, 2016) (solicited)

Pharmaceutical Antitrust Law in the United States, in THE PHARMACEUTICAL SECTOR BETWEEN PATENT LAW AND COMPETITION LAW: AN INTERNATIONAL PERSPECTIVE (Giovanni Pitruzzella & Gabiella Muscolo editors, Kluwer Law International, 2016) (solicited)

Antitrust and Climate Change, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND CLIMATE CHANGE (Josh Sarnoff editor, Edward Elgar Publishing, 2016) (solicited)

Antitrust Treatment of Intellectual Property Rights, in RESEARCH HANDBOOK ON COMPARATIVE COMPETITION LAW (Arlen Duke et al. editors, Edward Elgar Publishing, 2016) (solicited)

The Recess Appointments Clause, in THE HERITAGE GUIDE TO THE CONSTITUTION (second edition, 2014) (solicited)

Limiting Copyright Through Property, in CONCEPTS OF PROPERTY IN INTELLECTUAL PROPERTY LAW (Helena Howe editor, Cambridge University Press 2013) (solicited)

Competition Law and Enforcement in the Pharmaceutical Industry, in INTERNATIONAL RESEARCH HANDBOOK ON COMPETITION LAW (Ariel Ezrachi editor, Edward Elgar Publishing, 2012) (solicited)

Standard-Setting Analysis Under U.S. Law, in INTELLECTUAL PROPERTY AND COMPETITION LAW: NEW FRONTIERS (Ariel Ezrachi and Steve Anderman editors, Oxford University Press, 2010) (solicited)

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Rutgers University School of Law

The Propertization of Copyright, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH
(Peter Yu editor, Praeger, 2006) (solicited)

*Does a Patent Automatically Demonstrate Market Power for Purposes of the Antitrust Tying
Offense?*, American Bar Association series, PREVIEW OF U.S. SUPREME COURT CASES
(2005) (solicited)

The Recess Appointments Clause, in THE HERITAGE GUIDE TO THE CONSTITUTION (2005)
(solicited)

Articles:

Playing Both Sides? Branded Sales, Generic Drugs, and Merger Policy (with Mark A. Lemley
& Shawn Miller), 71 HASTINGS LAW JOURNAL ____ (forthcoming 2019)

Higher Drug Prices from Anticompetitive Conduct: Three Case Studies, 39 THE JOURNAL OF
LEGAL MEDICINE __ (forthcoming 2019) (symposium)

*Why Absolutist Conceptions of Property Do Not Support the Antitrust Abandonment of
Standards*, 57 HOUSTON LAW REVIEW __ (forthcoming 2019) (symposium)

Three Challenges for Pharmaceutical Antitrust, 58 SANTA CLARA LAW REVIEW __ (forthcoming
2019) (symposium)

Antitrust and Biosimilars: What's New and What's Not, 5 THE JOURNAL OF LAW AND
BIOSCIENCES ____ (forthcoming 2019) (symposium)

Why the NCAA's No-Transfer Rule Is No Good (with Marc Edelman), THE UNIVERSITY OF
CHICAGO LAW REVIEW ONLINE (2019)

College Athletics: The Chink in the Seventh Circuit's "Law and Economics" Armor (with Marc
Edelman), 117 MICHIGAN LAW REVIEW ONLINE 90 (2019)

Don't Ditch Antitrust's Role in Product Hopping: A Response to Pace and Adam (with Steve D.
Shadowen), 33 ANTITRUST 72 (2019)

The Four-Step Rule of Reason, 33 ANTITRUST 50 (2019)

A Non-Coercive Approach to Product Hopping (with Steve D. Shadowen), 33 ANTITRUST 102
(2018)

Antitrust in the Pharmaceutical Sector, E-COMPETITIONS (No. 88026, Oct. 2018)

Michael A. Carrier
Rutgers University School of Law

Antitrust, Market Exclusivity, and Transparency in the Pharmaceutical Industry (with Michael S. Sinha and Greg D. Curfman), 319 JAMA 2271 (2018)

- Nominated for one of top antitrust articles of 2018

Biologics: The New Antitrust Frontier (with Carl J. Minniti III), 2018 UNIVERSITY OF ILLINOIS LAW REVIEW 1 (2018) (lead article)

- Subject of 8-article symposium and featured in Inside Health Policy article

The U.S. District Court for the Northern District of California Sets Student-Athletes' Antitrust Case for Trial, E-COMPETITIONS (No. 87066, May 2018)

Five Actions to Stop Citizen Petition Abuse, 118 COLUMBIA LAW REVIEW ONLINE 81 (2018)

- Served as basis for S. 660 (Efficiency and Transparency in Petitions Act, introduced by Sen. Braun (R-IL)) and time-limit provision in S. 1895 (Lower Health Care Costs Act, passed by Senate HELP Committee in 20-3 vote) in 116th Congress

The Curious Case of Wellbutrin: How the Third Circuit Mistook Itself for the Supreme Court, 103 CORNELL LAW REVIEW ONLINE 137 (2018)

William Howard Taft Lecture: The Rule of Reason in the Post-Actavis World, 2018 COLUMBIA BUSINESS LAW REVIEW 26 (2018)

Solving the Product Hopping Conundrum Through Safe Harbors and a No-Economic-Sense Test (with Steve Shadowen), 28 RESEARCH IN LAW AND ECONOMICS 89 (2018)

Risk Evaluation and Mitigation Strategies: An Antitrust Framework, COMPETITION LAW INSIGHT (2018)

Antitrust's Hidden Hook in Drug Price Increases, 27 COMPETITION: THE JOURNAL OF THE ANTITRUST, UCL AND PRIVACY SECTION OF THE CALIFORNIA LAWYERS ASSOCIATION 45 (2018)

Drug Patent Settlements Around the World, 62 ANTITRUST BULLETIN 770 (2017)

Sharing, Samples, and Generics: An Antitrust Framework, 103 CORNELL LAW REVIEW 1 (2017) (lead article)

- Winner of American Antitrust Institute's Jerry S. Cohen Award for best 2017 Antitrust and Healthcare Article; cited in Bloomberg BNA article
- Cited in House Energy & Commerce Committee Report for CREATES Act, 116th Cong. 1st Sess.

Five Solutions to the REMS Patent Problem (with Brenna Sooy), 97 BOSTON UNIVERSITY LAW REVIEW 1661 (2017)

- Recommendations supported by California Attorney General in comments to FDA

Michael A. Carrier
Rutgers University School of Law

The U.S. Court of Appeals for the Third Circuit Applies an Appropriate Post-Actavis Pleading Standard (Lipitor), E-COMPETITIONS (No. 84937, Oct. 2017)

Using Antitrust Law to Challenge Turing's Daraprim Price Increase (with Nicole Levidow and Aaron S. Kesselheim), 31 BERKELEY TECHNOLOGY LAW JOURNAL 1379 (2017)

- Reviewed in *Paper Trail: Working Papers and Recent Scholarship*, THE ANTITRUST SOURCE, April 2016, and discussed on STAT healthcare blog

The Untold EpiPen Story: How Mylan Hiked Prices by Blocking Rivals (with Carl J. Minniti III), 102 CORNELL LAW REVIEW ONLINE 53 (2017)

- Focus of Law360 story and discussed on health care blogs
- Featured in class action lawsuit filed against Mylan's EpiPen

Product Hopping, 23 JOURNAL OF COMMERCIAL BIOTECHNOLOGY 82 (2017)

Citizen Petitions: Long, Late-Filed, and At-Last Denied (with Carl J. Minniti III), 66 AMERICAN UNIVERSITY LAW REVIEW 305 (2016)

- Top Academic Antitrust article (IP category) of 2016
- Cited in Atlantic, Bloomberg, CNBC.com, Law360, NBC News, Reuters
- Cited in Senator Cassidy's press release for Ensuring Timely Access to Generics Act
- Cited in FTC's comment on FDA's Citizen Petition Guidance
- Featured in class action lawsuit filed against Mylan's EpiPen

Product Hopping: A New Framework (with Steve Shadowen), 92 NOTRE DAME LAW REVIEW 167 (2016)

- Featured in NBC10 investigative report and Consumer Reports
- Served as basis of S. 1416 (Affordable Prescriptions for Patients Act of 2019, co-sponsored by Senators Cornyn (R-TX) and Blumenthal (D-CT), unanimously approved by Senate Judiciary Committee in 116th Congress)

The U.S. Federal Trade Commission Issues Report on Patent Assertion Entities, E-COMPETITIONS (No. 82367, Dec. 2016)

Pharmaceutical Antitrust: What the Trump Administration Can Do, CONCURRENCES: COMPETITION LAW REVIEW 63 (No. 4, 2016)

The U.S. Court of Appeals for Third Circuit Offers Misguided Analysis of Product Hopping, E-COMPETITIONS (No. 81744, Oct. 2016)

Why the Supreme Court Should Deny Certiorari in King Drug, CPI ANTITRUST CHRONICLE (Sept. 2016)

Pleading Standards: The Hidden Threat to Actavis, 91 N.Y.U. L. REV. ONLINE 31 (2016)

Why "Large and Unjustified Payment" Is Not a Threshold Under Actavis, 91 WASHINGTON LAW REVIEW 109 (2016) (symposium) (solicited)

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Rutgers University School of Law

The U.S. Court of Appeals for the First Circuit Concludes that a Reverse Payment Need Not Be in Cash (Loestrin), E-COMPETITIONS (No. 78533, Mar. 2016)

Strategies that Delay or Prevent the Timely Availability of Affordable Generic Drugs in the United States (with Gregory H. Jones, Richard T. Silver, & Hagop Kantarjian), 127 BLOOD (journal published by the American Society of Hematology) 1398 (2016)

The “Equity of the Statute” and Copyright Law: Three Critiques, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 377 (2015) (response to Shyamkrishna Balganesh & Gideon Parchomovsky, *Equity’s Unstated Domain: The Role of Equity in Shaping Copyright Law*, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1859 (2015)) (solicited)

How Not to Apply the Rule of Reason: The O’Bannon Case, 114 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 73 (2015)

2008 and 2015: Night and Day for Drug Patent Settlements, CPI ANTITRUST CHRONICLE (Dec. 2015)

The U.S. Court of Appeals for the Third Circuit Concludes that the Actavis Ruling Applies to Non-Cash Payments (Lamictal), E-COMPETITIONS (No. 75208, Aug. 2015)

Eight Reasons Why “No-Authorized-Generic” Promises Constitute Payment, 67 RUTGERS UNIVERSITY LAW REVIEW 697 (2015) (symposium)

- Cited in *In re: Nexium (Esomeprazole) Antitrust Litigation*, 2015 WL 4717286 (D. Mass. Aug. 7, 2015)

After Actavis: Seven Ways Forward, 67 RUTGERS UNIVERSITY LAW REVIEW 543 (2015) (symposium)

- Cited in *In re Aggrenox Antitrust Litigation*, 2017 WL 5885664 (D. Conn. Nov. 29, 2017)

The California Supreme Court Cements Vigorous Scrutiny of Reverse-Payment Settlements (Cipro), E-COMPETITIONS (No. 73830, June 2015)

U.S. Court Upholds Antitrust Action Against Patent Troll, E-COMPETITIONS (No. 73428, May 2015)

- Nominated for one of top antitrust articles of 2015

What Does State Law Say About Drug Patent Settlements? The California Supreme Court’s Cipro Case, ANTITRUST HEALTH CARE CHRONICLE (April 2015)

O’Bannon v. National Collegiate Athletic Association: Why the Ninth Circuit Should Not Block the Floodgates of Change in College Athletics (with Chris Sagers) (response to Marc Edelman, *The District Court Decision in O’Bannon v. National Collegiate Athletic Association: A Small Step Forward for College-Athletes, and a Gateway for Far Grander Change*, 71 WASHINGTON AND LEE LAW REVIEW ONLINE 299 (2015)) (symposium)

Michael A. Carrier
Rutgers University School of Law

A U.S. Court Sends Second Reverse Payment Case to Trial (Cephalon), E-COMPETITIONS (No. 71871, Jan. 2015)

How Not To Apply Actavis, 109 NORTHWESTERN UNIVERSITY LAW REVIEW ONLINE 113 (2015)

No, RIAA, It's Not the End of the World for Musicians, 83 UMKC LAW REVIEW 287 (2014) (symposium)

Payment After Actavis, 100 IOWA LAW REVIEW 7 (2014)

- Cited in *In re Cipro Cases I & II*, 61 Cal.4th 116 (Cal. 2015)
- Cited in *King Drug Co. of Florence, Inc. v. Smithkline Beecham Corp.*, 791 F.3d 388 (3d Cir. 2015)
- Cited in *In re: Nexium (Esomeprazole) Antitrust Litigation*, 2015 WL 4717286 (D. Mass. Aug. 7, 2015)

Pharmaceutical Antitrust Complexity, COMPETITION POLICY INTERNATIONAL (Vol. 10, No. 2, 2014) (symposium)

U.S. Court Issues Concerning Ruling on Drug Patent Settlements (Loestrin), E-COMPETITIONS (No. 69705, Oct. 2014)

U.S. Court Finds that an Athletics Association's Rules Restricting Payments to Student-Athletes Violate Antitrust Laws (O'Bannon v. NCAA), E-COMPETITIONS (No. 68725, Sept. 2014)

What You Need to Know About Standard Essential Patents, COMPETITION POLICY INTERNATIONAL (Vol. 8, No. 2, 2014)

Limelight v. Akamai: Limiting Induced Infringement, 2014 WISCONSIN LAW REVIEW ONLINE 1

Apple v. Motorola: Five Lessons for Judges in Admitting Expert Testimony, 14 BLOOMBERG BNA EXPERT EVIDENCE REPORT, May 2014

A U.S. Court Issues Formalistic Ruling on Reverse-Payment Settlements After "Actavis" (GlaxoSmithKline/Teva Pharmaceuticals/Louisiana Wholesale Drug Company/King Drug Company), E-COMPETITIONS (No. 63588, Feb. 2014)

Only "Scraping" the Surface: The Copyright Hole in the FTC's Google Settlement, 46 UNIVERSITY OF BRITISH COLUMBIA LAW REVIEW 759 (2014) (symposium)

A Response to Chief Justice Roberts: Why Antitrust Must Play A Role in the Analysis of Drug Patent Settlements, 15 MINNESOTA JOURNAL OF LAW, SCIENCE & TECHNOLOGY 31 (2014) (symposium)

A U.S. Court Issues Second Ruling Determining RAND Rate for Standard Essential Patent (Innovatio), E-COMPETITIONS (No. 58558, Nov. 2013)

Five Arguments Laid to Rest After Actavis, 13 ANTITRUST SOURCE 1 (2013)

Michael A. Carrier
Rutgers University School of Law

Google and Antitrust: Five Approaches to an Evolving Issue, HARVARD JOURNAL OF LAW AND TECHNOLOGY OCCASIONAL PAPER SERIES (July 2013)

- Nominated for one of top antitrust articles of 2013

U.S. Supreme Court Issues First Ruling on Antitrust Legality of Reverse-Payment Drug Patent Settlements (FTC v. Actavis), E-COMPETITIONS (No. 53120, July 2013)

Copyright and Innovation: Responses to Marks, Masnick, and Picker, 2013 WISCONSIN LAW REVIEW ONLINE 46

A U.S. Court Issues First Analysis of an Appropriate Royalty that a Patentee Could Obtain after Promising to License Its Patent on Reasonable and Nondiscriminatory (RAND) Terms (Microsoft v. Motorola), E-COMPETITIONS (No. 51802, May 2013-I)

Increasing Innovation Through Copyright Common Sense and Better Government Policy, 62 EMORY LAW JOURNAL 983 (2013) (symposium)

Roundtable on Reverse-Payment Settlements, ABA SECTION OF ANTITRUST LAW, ANTITRUST HEALTH CARE CHRONICLE (March 2013)

Patent Assertion Entities: Six Actions the Antitrust Agencies Can Take, COMPETITION POLICY INTERNATIONAL: ANTITRUST CHRONICLE (Vol. 1 No. 2, 2013)

SOPA, PIPA, ACTA, TPP: An Alphabet Soup of Innovation-Stifling Copyright Legislation and Agreements, 11 NORTHWESTERN JOURNAL OF TECHNOLOGY AND INTELLECTUAL PROPERTY 21 (2013) (symposium)

Copyright and Innovation: The Untold Story, 2012 WISCONSIN LAW REVIEW 891

- Republished in INTELLECTUAL PROPERTY AND INNOVATION (Shubha Ghosh editor, Edward Elgar Publishing, 2017)
- Subject of online symposium involving [Steven Marks](#), [Mike Masnick](#), and [Randal Picker](#)
- Discussed in Billboard magazine, NY Times blog, Boing Boing, and more than 50 music, arts, law, and technology websites
- #1 downloaded article on SSRN in July 2012

Citizen Petitions: An Empirical Study (with Daryl Wander), 34 CARDOZO LAW REVIEW 249 (2012)

- Cited in *Cerveney v. Aventis, Inc.*, 855 F.3d 1091 (10th Cir. 2017)
- Cited in *In re Actos End-Payor Antitrust Litigation*, 848 F.3d 89 (2d Cir. 2017)
- Cited in *Apotex Inc. v. Acorda Therapeutics, Inc.*, 823 F.3d 51 (2d Cir. 2016)

Why the “Scope of the Patent” Test Cannot Solve the Drug Patent Settlement Problem, 16 STANFORD TECHNOLOGY LAW REVIEW 1 (2012)

Michael A. Carrier
Rutgers University School of Law

A Roadmap to the Smartphone Patent Wars and FRAND Licensing, COMPETITION POLICY INTERNATIONAL: ANTITRUST CHRONICLE (Vol. 4 No. 2, 2012)

- Nominated for one of top antitrust articles of 2012

Post-Grant Opposition: A Proposal and a Comparison to the America Invents Act, 45 U.C. DAVIS LAW REVIEW 103 (2011)

A Tort-Based Causation Framework for Antitrust Analysis, 77 ANTITRUST LAW JOURNAL 991 (2011) (symposium)

- Nominated for one of top antitrust articles of 2011
- Cited in *Jetaway Aviation, LLC v. Board of County Commissioners*, 754 F.3d 824 (10th Cir. 2014).

An Antitrust Framework for Climate Change, 9 NORTHWESTERN JOURNAL OF TECHNOLOGY AND INTELLECTUAL PROPERTY 513 (2011)

Provigil: A Case Study of Anticompetitive Behavior, 2 HASTINGS SCIENCE TECHNOLOGY & LAW JOURNAL 441 (2011) (symposium)

Solving the Drug Settlement Problem: The Legislative Approach, 41 RUTGERS LAW JOURNAL 83 (2011) (symposium)

- Cited in *Statement of the Federal Trade Commission, FTC v. Cephalon, Inc.* (May 28, 2015) (\$1.2 billion settlement with Cephalon and Teva)
- Cited in *In re Loestrin 24 Fe Antitrust Litigation*, 2014 WL 4368924 (D.R.I. Sept. 4, 2014)

2025: Reverse-Payment Settlements Unleashed, 2 COMPETITION POLICY INTERNATIONAL ANTITRUST JOURNAL (2010) (symposium)

A Real-World Analysis of Pharmaceutical Settlements: The Missing Dimension of Product-Hopping, 62 FLORIDA LAW REVIEW 1009 (2010)

- Cited in *New York ex rel. Schneiderman v. Actavis PLC*, 787 F.3d 638 (2d Cir. 2015)

Innovation for the 21st Century: A Response to Seven Critics, 61 ALABAMA LAW REVIEW 597 (2010) (symposium)

The Pirate Bay, Grokster, and Google, 15 JOURNAL OF INTELLECTUAL PROPERTY RIGHTS 7 (2010) (solicited)

Unsettling Drug Patent Settlements: A Framework for Presumptive Illegality, 108 MICHIGAN LAW REVIEW 37 (2009)

- Cited in *In re Cipro Cases I & II*, 61 Cal.4th 116 (Cal. 2015)

The Rule of Reason in the 21st Century, 17 GEORGE MASON LAW REVIEW 827 (2009) (symposium)

- Discussed in Bloomberg Law article

Michael A. Carrier
Rutgers University School of Law

Two Puzzles Resolved: Of the Schumpeter-Arrow Stalemate and Pharmaceutical Innovation Markets, 93 IOWA LAW REVIEW 393 (2008)

Against Cyberproperty, 22 BERKELEY TECHNOLOGY LAW JOURNAL 1485 (2008) (with Greg Lastowka)

Why Modularity Does Not (and Should Not) Explain Intellectual Property, 116 YALE LAW JOURNAL POCKET PART 95 (2007) (solicited)

Pictures at the New Economy Exhibition: Why the Antitrust Modernization Commission Got it (Mostly) Right, 38 RUTGERS LAW JOURNAL 473 (2007) (symposium)

- Reprinted in *Patents vs. Competition: A Legal Debate* (ICFAI University Press, India, 2008)

Refusals to License Intellectual Property After Trinko, 55 DEPAUL LAW REVIEW 1191 (2006) (symposium)

- Republished as *Odbijanje davanja licence za intelektualno vlasništvo nakon predmeta Trinko*, translated by Zeljko Mrcic, *Nov-um* (2008) [Croatian]

Of Trinko, Tea Leaves, and Intellectual Property, 31 JOURNAL OF CORPORATION LAW 357 (2006) (symposium)

- Reprinted in *Intellectual Property and Licensing Issues* (P.L. Jayanthi Reddy editor, ICFAI University Press, India, 2009)

Vote Counting, Technology, and Unintended Consequences, 79 ST. JOHN'S LAW REVIEW 645 (2005)

Review of IP AND ANTITRUST: AN ANALYSIS OF ANTITRUST PRINCIPLES APPLIED TO INTELLECTUAL PROPERTY LAW (Herbert Hovenkamp, Mark D. Janis & Mark A. Lemley editors), 28 WORLD COMPETITION LAW AND ECONOMICS REVIEW 277 (2005) (solicited)

Cabining Intellectual Property Through a Property Paradigm, 54 DUKE LAW JOURNAL 1 (2004)

Resolving the Patent-Antitrust Paradox Through Tripartite Innovation, 56 VANDERBILT LAW REVIEW 1047 (2003)

Why Antitrust Should Defer to the Intellectual Property Rules of Standard Setting Organizations: A Commentary on Teece and Sherry, 87 MINNESOTA LAW REVIEW 2019 (2003) (symposium)

Antitrust After the Interception: Of a Heroic Returner and Myriad Paths, 55 STANFORD LAW REVIEW 287 (2002) [Review of RICHARD A. POSNER, *ANTITRUST LAW* (2001)]

- Also published in THE ANTITRUST SOURCE, at http://www.americanbar.org/content/dam/aba/publishing/antitrust_source/carrier.authcheckdam.pdf

Michael A. Carrier
Rutgers University School of Law

Unraveling the Patent-Antitrust Paradox, 150 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 761 (2002)

- Cited in *Bilski v. Kappos*, 130 S. Ct. 3218 (2010) (Stevens, J., concurring)
- Cited in *Asahi Glass v. Pentech Pharmaceuticals*, 289 F. Supp. 2d 986 (N.D. Ill. 2003)

The Real Rule of Reason: Bridging the Disconnect, 1999 BYU LAW REVIEW 1265 (1999)

All Aboard the Congressional Fast Track: From Trade to Beyond, 29 GEORGE WASHINGTON JOURNAL OF INTERNATIONAL LAW & ECONOMICS 687 (1996)

Justice Oliver Wendell Holmes: Law and the Inner Self, 93 MICHIGAN LAW REVIEW 1894 (1995)

When Is the Senate in Recess for Purposes of the Recess Appointments Clause?, 92 MICHIGAN LAW REVIEW 2204 (1994)

- Cited in *NLRB v. Enterprise Leasing Co. Southeast, LLC*, 2013 WL 3722388 (4th Cir. July 17, 2013).
- Cited in *NLRB v. New Vista Nursing & Rehabilitation*, 2013 WL 2099742 (3d Cir. May 16, 2013)
- Cited in *Canning v. NLRB*, 2013 WL 276024 (D.C. Cir. Jan. 25, 2013)
- Cited in *Swan v. Clinton*, 100 F.3d 973 (D.C. Cir. 1996)
- Cited in *Nippon Steel Corp. v. U.S. ITC*, 239 F. Supp. 2d 1367 (ITC 2002)

Amicus briefs / Group letters

Letter (with Tim Muris) to Assistant Attorney General Makan Delrahim on behalf of 77 former government enforcers and academics, May 2018, <https://law.rutgers.edu/f/mc-05-18-2018.pdf>

- Received coverage in [Bloomberg BNA](#), [Competition Policy International](#), [Law360](#), and [PatentlyO](#).

Brief Amici Curiae of 58 Law, Economics, and Business Professors in Support of Appellants' Petition for Panel Rehearing or Rehearing En Banc, *In re Wellbutrin XL Antitrust Litigation*, U.S. Court of Appeals for the Third Circuit, September 2017

Brief for the American Antitrust Institute as Amicus Curiae in Support of Petition for Rehearing and Rehearing En Banc (with Richard Brunell), *Mylan v. Warner Chilcott*, U.S. Court of Appeals for the Third Circuit, October 2016

Letter to Deputy Solicitor General on behalf of 61 professors in *SmithKline Beecham v. King Drug of Florence*, July 2016

Brief Amici Curiae of 48 Law, Economics, and Business Professors and the American Antitrust Institute in Support of Appellants, *In re Lipitor Antitrust Litigation*, U.S. Court of Appeals for the Third Circuit, December 2015

Michael A. Carrier
Rutgers University School of Law

Brief Amici Curiae of 48 Law, Economics, and Business Professors and the American Antitrust Institute in Support of Appellants, *In re Effexor XR Antitrust Litigation*, U.S. Court of Appeals for the Third Circuit, November 2015

- Cited in *In re Lipitor Antitrust Litigation*, 868 F.3d 231 (3d Cir. 2017)

Brief Amici Curiae on Behalf of 70 Law, Economics, and Business Professors and the American Antitrust Institute in Support of Appellants, *In re: Loestrin 24 FE Antitrust Litigation*, U.S. Court of Appeals for the First Circuit, June 2015

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Michael A. Carrier
Rutgers University School of Law

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Michael A. Carrier
Rutgers University School of Law

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Michael A. Carrier
Rutgers University School of Law

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Michael A. Carrier
Rutgers University School of Law

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Michael A. Carrier
Rutgers University School of Law

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PRESENTATIONS

Keynote Lecture, “Three Challenges for Pharmaceutical Antitrust,” Pharma/Data/Competition Conference, Hebrew University of Jerusalem, June 2019

- Responses by Ittai Paldor, Tal Band, Eran Bareket

“Why Absolutist Conceptions of Property Do Not Support the Antitrust Abandonment of Standards,” IP from a Property Perspective IPIL conference, June 2019

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Moderator, “Standards, Intellectual Property, and the Future of the Internet of Things” panel, Internet of Things World, May 2019

Panel on “Brand Companies’ Anticompetitive Strategies,” Kaiser Conference on “Anticompetitive Drug Pricing Practices: A Learning and Strategy Session,” April 2019

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Michael A. Carrier
Rutgers University School of Law

Guest lecture, “Management and Economics of the Pharmaceutical & Biotech Industries” class, The Wharton School at the University of Pennsylvania, March 2019

Panelist, The App Association, “2019 Patents in Telecoms and the Internet of Things,” George Washington University Law School, March 2019

Keynote Speaker, “Workshop on Recent Challenges in Competition and IP in Pharmaceutical Markets,” OECD, February 2019

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“Biosimilar Innovation,” UC Irvine Law School, February 2019

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Moderator, Coalition Against Patent Abuse Launch Event, January 2019

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“Biologics and Biosimilars: Vanguard of Health Care and Antitrust,” ABA Federal Civil Enforcement, Health Care & Pharmaceuticals, and Intellectual Property sections, December 2018

Commentator, Yaniv Heled, “Toward Effective Competition in Biologics” and Ana Santos Rutschman, “The New Drug Patent Cliff,” Wiet Life Science Law Scholars Conference, Loyola University Chicago School of Law, September 2018

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“Meet the Faculty” panel, Rutgers Dean’s Law Day, April 2018

“Professionalism Program: Confidentiality and Technology in the Law Profession,” Rutgers Law School, March 2018

“Closing the Legal Loopholes Blocking Access to Generics and Biosimilars,” 2018 Annual Meeting, Association for Accessible Medicines, February 2018

Response to Jorge Contreras Paper, “Much Ado About Hold-up,” Next Generation of Antitrust Scholars Conference, ABA Antitrust Section/NYU Law School, January 2018

Michael A. Carrier
Rutgers University School of Law

- “Drug Law Panel: Gaming,” Annual Meeting, New York State Bar Association – Food, Drug and Cosmetic Law Section, January 2018
- “Five Solutions to the REMS Patent Problem,” Villanova Faculty Colloquium, November 2017
- “Understanding Competition in Prescription Drug Markets: Entry and Supply Chain Dynamics” (Panel on Generic Drug Competition: Understanding Demand, Price and Supply Issues), Federal Trade Commission Workshop, November 2017
- “Sharing, Samples, and Generics: An Antitrust Framework,” Antitrust Scholars Roundtable, University of California, Irvine School of Law, November 2017
- “Pharmaceuticals” case study (discussion leader), Workshop on Innovation and Antitrust, Northeastern University and American Antitrust Institute, October 2017
- “Inaugural William Howard Taft Lecture: The Rule of Reason in the Post-*Actavis* World,” Antitrust Law Section of the New York State Bar Association, September 2017
- “Sharing, Samples, and Generics: An Antitrust Framework,” 17th Annual Intellectual Property Scholars Conference, Cardozo Law School (jointly sponsored by Berkeley, DePaul, and Stanford law schools), August 2017
- “Four Proposals to Enhance Generic Competition,” U.S. Food and Drug Administration (FDA) hearing on The Hatch-Waxman Amendments: Ensuring a Balance between Innovation and Access, July 2017
- “Anticompetitive Behavior and Prescription Drug Prices,” Cancer Research & Treatment Fund, Inc. (CR&T) board meeting, June 2017
- “Sharing, Samples, and Generics: An Antitrust Framework,” Law and Biosciences Workshop, Stanford Law School, May 2017
- “Pay for Delay Today – The Still-Developing Law on Reverse Payment Settlements” panel, Third Circuit Judicial Conference, April 2017
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- “The Untold EpiPen Story: How Mylan Hiked Prices by Blocking Rivals,” Cornell Law Review, March 2017
- “Meet the Faculty” panel, Rutgers Dean’s Law Day, March 2017
- “Overview of Adverse Possession” lecture, Fundamentals of Legal Analysis Class, March 2017

Michael A. Carrier
Rutgers University School of Law

- “Competition in Pharmaceutical Markets Panel,” American Antitrust Institute Healthcare Roundtable, February 2017
- “REMS Abuse: Balancing Generic Competition, Innovation, and Safety Concerns in the Pharmaceutical Industry” panel, California State Bar Antitrust, UCL, and Privacy Law Section, January 2017
- “Drug Patent Settlements: Where We’ve Been and Where We’re Headed” keynote address, New Jersey Law Journal and The Legal Intelligencer’s Pharma and IP Legal Summit, December 2016
- “Barriers to Competition in the Pharmaceutical Sector” panel, National Association of Attorneys General, November 2016
- “Antitrust and Pharma – Seeking a Balance” panel, AIPPI World Congress – Milan, October 2016
- “O’Bannon in the Supreme Court” panel, ABA Antitrust Law Section and Trade, Sports, and Professional Associations Section, August 2016
- “IP/Competition in the Pharmaceutical Industry,” International Conference on Anti-Monopoly and IP, co-organized by UCL, Koguan School of Law, Shanghai Jiao Tong University, HSE-Skolkovo Institute for Law/Development – Shanghai, China (via Skype), July 2016
- “New Development in Reverse Payments: A Crescendo or More of the Same?,” ABA Antitrust Law Section (Intellectual Property, Federal Civil Enforcement, Healthcare/Pharmaceutical Committees), June 2016
- “Drug Patent Settlement Update,” New York City Bar Association Antitrust & Trade Regulation Committee, June 2016
- “Product Hopping: A New Framework,” Michigan Law School Intellectual Property Workshop, April 2016
- “Overview of Adverse Possession” lecture, Fundamentals of Legal Analysis Class, March 2016
- “Standard Essential Patents,” Pennsylvania Bar Association Intellectual Property Law Section, March 2016
- “Innovation and Reverse Payments” discussant, 2016 Next Generation of Antitrust Scholars Conference, ABA Antitrust Section and NYU Law School, January 2016
- “Patent Law Overview,” Masterman Legal Careers Class, Julia R. Masterman Laboratory and Demonstration School, January 2016
- “Standard Essential Patents” keynote address, Pepper Hamilton’s Annual Antitrust Development Update CLE Event, December 2015

Michael A. Carrier
Rutgers University School of Law

Introduction, Greg Lastowka Memorial Project, November 2015

The Smartphone Patent Wars, Management 731: Technology Strategy Class, The Wharton School of the University of Pennsylvania, October 2015

“Eight Reasons Why ‘No-Authorized-Generic’ Promises Constitute Payment,” 15th Annual Intellectual Property Scholars Conference, DePaul University College of Law (jointly sponsored by Berkeley, Cardozo, and Stanford law schools), August 2015

Briefing on Patents for the American Antitrust Institute Roundtable, May 2015

“The Future of Patent Privateering” panel, ABA Antitrust Law Section, 63rd Antitrust Law Spring Meeting, April 2015

“Scholarly Pursuits at Rutgers – Meet the Faculty” panel, Rutgers Dean’s Law Day, March 2015

Co-organizer and panelist, “Litigating Reverse Payment Cases After Actavis,” University of San Francisco Law School (co-sponsored with Rutgers Institute for Information Policy & Law and American Antitrust Institute), February 2015

Panelist, “Reverse Payment Cases: Where Are We Now?,” ABA Section of Antitrust Law, Federal Civil Enforcement and Health Care & Pharmaceuticals Committees, January 2015

“Payment After Actavis,” Hebrew University Faculty of Law, December 2014

“Eight Reasons Why ‘No-Authorized-Generic’ Promises Constitute Payment,” Tel Aviv University Law & IT Colloquium, December 2014

Panelist, Computer & Communications Industry Association and American Antitrust Institute, “Scrutinizing Patent Assertion Entities: What Competition Enforcers Are Doing,” December 2014

Commentator on Shyam Balganesch & Gideon Parchomovsky, “Equity’s Unstated Domain: The Role of Equity in Shaping Copyright Law,” University of Pennsylvania Law Review symposium on The New Doctrinalism, October 2014

Debate: “Non-Practicing Entities: Promoting the Progress of Science and the Useful Arts?,” DuPont & Widener University School of Law, IP CLE, September 2014

Speaker, “Competition Policy and Life-Cycle Management Strategies,” Global Antitrust Challenges for the Pharmaceutical Industry conference, Global Antitrust Institute at George Mason University School of Law, Law & Economics Center, September 2014

Presentation on Drug Patent Settlements after Actavis to Pharmaceutical Industry Working Group of National Association of Attorneys General, September 2014

Michael A. Carrier
Rutgers University School of Law

“Payment After Actavis,” 14th Annual Intellectual Property Scholars Conference, UC Berkeley School of Law, Boalt Hall (jointly sponsored by Cardozo, DePaul, and Stanford law schools), August 2014

Roundtable, “Patent Pledges: Developing a Research Agenda,” American University Washington College of Law, May 2014

Panel on drug patent settlements, DELVACCA (Delaware Valley Association of Corporate Counsel) Chapter 6th Annual In-House Counsel Conference, April 2014

White House Patent Stakeholder Meeting (with Secretary of Commerce Penny Pritzker, National Economic Council director Gene Sperling, U.S. Chief Technology Officer Todd Park, and USPTO deputy director Michelle Lee), February 2014

Commentator on Ariel Katz article, “Next Generation of Antitrust Scholars Conference,” ABA Antitrust Section and NYU Law School, January 2014

Panelist, “What Antitrust Regulators Can Do About Patent Trolling,” Briefing on Patents for American Antitrust Institute, January 2014

“Doing Business on the Cutting Edge of Copyright” panel, Computer & Communications Industry Association’s DisCo Policy Forum 2013, December 2013

“Standard Essential Patents and FRAND” panel, “Patent Reform: Theoretical Propositions and Factual Foundations” conference, University of Pennsylvania Law School, December 2013

Drug Patent Settlements, Rutgers Intellectual Property Law Association (RIPLA) and Health Law Society, November 2013

Panelist, “New Approaches and Incentives in Drug Development” conference (sponsored by Duke Law Center for Innovation Policy, Kauffman Foundation, and One Mind for Research Foundation), November 2013

“Exclusion Payments After Actavis,” Rutgers Law School – Newark, November 2013

Keynote address, Canadian Competition Bureau’s Workshop on Antitrust Issues in the Pharmaceutical Sector, November 2013

“3-D Printing” panel, Georgetown Law Journal’s “Law in an Age of Disruptive Technology” Symposium, November 2013

“Copyright and SOPA/PIPA” panel, Third Annual Rutgers Sports & Entertainment Law Symposium, November 2013

Panelist, “Reverse Payments” panel, Golden State Antitrust and Unfair Competition Law Institute, October 2013

Michael A. Carrier
Rutgers University School of Law

Speaker, American Bar Association Antitrust Section, Antitrust and Intellectual Property Conference, Stanford Law School, October 2013

Panelist, American National Standards Institute, "Legal Issues Forum 2013: Arbitration of Standard Essential Patent Disputes," October 2013

Panelist, U.S. Senate Judiciary Committee's Subcommittee on Antitrust, Competition Policy and Consumer Rights hearing on "Pay-for-Delay Deals: Limiting Competition and Costing Consumers," July 2013

Panelist, Computer & Communications Industry Association and American Antitrust Institute, "Competition Law & Patent Assertion Entities: What Antitrust Enforcers Can Do," June 2013

Moderator, "Antitrust and Patent Assertion Entities: The DOJ-FTC Joint Workshop," ABA Section of Antitrust Law (Intellectual Property Committee), May 2013

"World IP Day Lunch: At the Crossroads: Intellectual Property, Innovation, and Competition," U.S. Department of Justice discussion sponsored by Acting Associate Attorney General Tony West, April 2013

Panelist, "Competition Law: Pharmaceuticals and Competition," 21st Annual Fordham Intellectual Property Law and Policy Conference, April 2013

American Intellectual Property Law Association webinar: Debate with Steven Bradbury on Actavis drug-patent-settlement case, April 2013

"The Changing Patent Landscape," Georgetown University Law Center Conference, March 2013

"Copyright and Innovation," Michigan Law School, February 2013

Roundtable Discussion on Federal Trade Commission v. Watson Pharmaceuticals, Rutgers Law School, January 2013

Moderator, "Google and Antitrust," AALS Antitrust and Economic Regulation panel, January 2013

Participant, Renaissance Weekend, December 2012

"Competition and Intellectual Property Law," Center for Studies in Competition Law, University of Bucharest, Romania, November 2012

Presentation on Drug Patent Settlements to Pharmaceutical Industry Working Group of the National Association of Attorneys General, November 2012

American Bar Association (Antitrust Section) conference call: "FDA Citizen Petitions and *Noerr* Immunity: Policy Questions and Litigation Tactics to Consider," November 2012

Michael A. Carrier
Rutgers University School of Law

“Economic and Regulatory Perspectives” panel, Berkeley Law School conference on “RAND Revisited: Current Developments in the Law of Standards-Essential Patents,” October 2012

Presentation on IP and Amicus Briefs to IP Law and Policy Class, University of Richmond School of Law, October 2012

Introduction to Intellectual Property, Rutgers Intellectual Property Club, September 2012

American Antitrust Institute roundtable (by invitation) on antitrust and patents, May 2012

Book reading, Yale Club of Philadelphia, April 2012

Radio interviews throughout the United States and Canada: “Innovation for the 21st Century,” September 2011 – April 2012

“SOPA, PIPA, and Innovation,” Copyright and the Future of the Entertainment Industry panel at the 2012 Symposium “Beyond IP: How Intellectual Property and Technology Influence Other Areas of Law,” Northwestern Law School, February 2012

“Promoting Innovation Through Government Policy and Copyright Common Sense,” Randolph W. Thrower Symposium, Emory Law School, February 2012

Commentary on Bhaven Sampat and Scott Hemphill’s “When Do Generics Challenge Drug Patents?,” Second Annual Tri-State Region IP Workshop, Fordham Law School, February 2012

“Drug Settlements: Patently Anticompetitive?,” Evil Twin Debate (against Dan Crane), University of Richmond School of Law, November 2011

“Gene Patents and Innovation” panel (moderator), Information Policy and Modes of Innovation Conference, Rutgers Institute for Information Policy & Law, November 2011

Introduction to Intellectual Property Lecture, Rutgers Intellectual Property Club, September 2011

“Competition Issues in Global Licensing Strategies: Recent Case Law Developments in the United States and EU,” 2011 High Technology Summit Conference, University of Washington, July 2011

One-Day Workshop on the Economics of Copyright & the Internet, Google, June 2011

- One of 5 law professors invited to roundtable conference at Google

“The Combination of Settlements and Product Hopping,” Competition Law and the Pharmaceutical Industry conference, Oxford Centre for Competition Law and Policy, May 2011

Michael A. Carrier
Rutgers University School of Law

“A Real-World Analysis of Pharmaceutical Settlements: The Missing Dimension of Product-Hopping,” London School of Economics lecture, May 2011

Book reading and signing, Head House Books (Philadelphia), April 2011

“Copyright and innovation,” Google talk, April 2011

Legislative proposals for “Increasing Innovation by Reining in Copyright,” Cardozo Modest Proposals conference, April 2011

Faculty and the Supreme Court, Rutgers Dean’s Law Day, March 2011

Mock Property Class, Rutgers Dean’s Law Day, March 2011

Debate with Steve Tepp, Senior Director of Internet Counterfeiting and Piracy at U.S. Chamber of Commerce, on Combating Online Infringement and Counterfeits Act, Philadelphia Bar Association, March 2011

“A Real-World Analysis of Pharmaceutical Settlements: The Missing Dimension of Product-Hopping,” AALS Antitrust and Economic Regulation panel on pharmaceutical industry, January 2011

“Pharmaceutical Life Cycle Management Strategies,” New Jersey Intellectual Property Law Association, December 2010

Overview of Hatch-Waxman Act, Patent Issues, and Other Legal Topics Related to Pharmaceutical Industry, Cadista Pharmaceuticals, October 2010

“Impact of Copyright Policy on Innovation in the Digital Era” hearings, The National Academies’ Board on Science, Technology, and Economic Policy (STEP), October 2010

“Pioneering Peer-to-Peer and Other Disruptive Dual-Use Technologies,” Munich Intellectual Property Law Center (organized in conjunction with Max Planck Institute), June 2010

“Pharmaceutical Patent Settlements,” ACES Educational Summit, May 2010

Panel on Biologics, Settlements, Patent Cliff, Evergreening, and FDA Inspections, ACES Educational Summit, May 2010

“Pioneering Peer-to-Peer and Other Disruptive Dual-Use Technologies,” Association for Law, Property, and Society conference held at Georgetown Law School, March 2010

“Antitrust Concerns and the Pharmaceutical Sector – Pharmaceutical Agreements and Generic Companies,” Oxford Competition Law & Policy Guest Lecture (organized in conjunction with the Oxford Intellectual Property Research Centre), February 2010

Michael A. Carrier
Rutgers University School of Law

“Pioneering Peer-to-Peer and Other Disruptive Dual-Use Technologies,” Cambridge Centre for Intellectual Property & Information Law LLM Intellectual Property Seminar, February 2010

“Agreements to Delay Entry of Generics in Pharmaceutical Markets,” Bournemouth University Centre for Intellectual Property Policy and Management Public Seminar Series, February 2010

“Pioneering Peer-to-Peer and Other Disruptive Dual-Use Technologies,” London School of Economics IP and Cultural Property Seminar Series, February 2010

Commentator, Josh Davis paper on pharmaceutical settlements, American Antitrust Institute Private Antitrust Enforcement Conference, December 2009

“Solving the Drug Settlement Problem: The Legislative Approach,” University of San Francisco School of Law and American Antitrust Institute: “Lawyers, Drugs and Money: A Prescription for Antitrust Enforcement in the Pharmaceutical Industry,” September 2009

“Pioneering Peer-to-Peer and Other Disruptive Dual-Use Technologies,” Ninth Annual Intellectual Property Scholars Conference, Cardozo Law School (jointly sponsored by Berkeley, Cardozo, DePaul, and Stanford law schools), August 2009

Panel on “Low-Cost Solutions to Health Care Through Generic Competition,” Center for American Progress, June 2009

“Unsettling Drug Patent Settlements: A Framework for Presumptive Illegality,” Loyola Antitrust Colloquium, May 2009

“Pioneering Peer-to-Peer and Other Disruptive Dual-Use Technologies,” Rutgers University School of Law-Camden faculty lunch series, April 2009

“Unsettling Drug Patent Settlements: A Framework for Presumptive Illegality,” Rutgers University School of Law-Camden faculty lunch series, April 2009

“Pioneering Peer-to-Peer and Other Disruptive Dual-Use Technologies,” Rutgers Intellectual Property Club, April 2009

Faculty Scholarship panel, Dean’s Law Day, April 2009

Rutgers University Career Planning panel, February 2009

Commentary on antitrust papers by Einer Elhauge and Tad Lipsky, George Mason Law Review’s 12th Annual Symposium on Antitrust Law, December 2008

“Unsettling Drug Patent Settlements: A Framework for Presumptive Illegality,” University of Pennsylvania Law School seminar on Understanding Business Law Scholarship, November 2008

Michael A. Carrier
Rutgers University School of Law

“Unsettling Drug Patent Settlements: A Framework for Presumptive Illegality,” Temple Law School seminar on Advanced Patents, November 2008

“Unsettling Drug Patent Settlements: A Framework for Presumptive Illegality,” Cardozo Law School faculty colloquium, November 2008

Panel on law school teaching, Rutgers Adjuncts program, November 2008

Patent reform lecture, Rutgers Intellectual Property Club, November 2008

Presidential Election Open Forum, debate with Professor Michael Livingston on 2008 presidential election, Rutgers Journal of Law and Public Policy, October 2008

“Unsettling Drug Patent Settlements: A Framework for Presumptive Illegality,” University of Minnesota Law School Second Annual Intellectual Property Scholarship Roundtable, September 2008

Commentary on IP/property papers by Henry Smith, Adam Mossoff, and Scott Kieff, George Mason/Microsoft conference on Patents and the Commercialization of Innovation, May 2008

“One Year Later: The Antitrust Modernization Commission’s Report and the Challenges that Await Antitrust,” Participant in NYU Law School roundtable discussion on the Antitrust Modernization Commission, April 2008

Discussion of Sports Law Issues, Rutgers Sports and Entertainment Law Society, March 2008

“Against Cyberproperty,” IP Scholarship Seminar on “Tangible and Intangible Property,” Berkeley Center for Law & Technology, UC Berkeley Law School, October 2007

“Two Puzzles Resolved: Of the Schumpeter-Arrow Stalemate and Pharmaceutical Innovation Markets,” Iowa Innovation, Business, and Law Colloquium, University of Iowa College of Law, March 2007

“Two Puzzles Resolved: Of the Schumpeter-Arrow Stalemate and Pharmaceutical Innovation Markets,” AALS Sections on Antitrust and Intellectual Property (joint session), AALS Annual Meeting (Washington, D.C.), January 2007

“The Propertization of Copyright,” University of Iowa Law School Speaker Series, December 2006

“The Propertization of Copyright,” AALS Workshop on Intellectual Property, AALS Mid-Year Meeting (Vancouver), June 2006

“Antitrust, the New Economy, and the Antitrust Modernization Commission,” The IP Grab: The Struggle Between Intellectual Property Rights and Antitrust, Seventh Annual American Antitrust Institute Conference, June 2006

Michael A. Carrier
Rutgers University School of Law

- “Innovation as an Antitrust Shield,” Sixth Annual Loyola Antitrust Colloquium, Loyola University Chicago School of Law, April 2006
- “Innovation as an Antitrust Shield,” Colloquium on Innovation Policy, New York University School of Law, March 2006
- “Intellectual Property Rights and Monopolization: The U.S. Resolution of the Paradox,” Intellectual Property and Competition Law conference, University of Geneva, February 2006
- “Licensing of Intellectual Property Rights: The U.S. Antitrust Approach,” Intellectual Property and Competition Law conference, University of Geneva, February 2006
- “Of Trinko, Tea Leaves, and Intellectual Property,” Intellectual Property Licensing by the Dominant Firm symposium, DePaul University College of Law, April 2005
- Commentator on Shubha Ghosh, “When Exclusionary Conduct Meets the Exclusive Rights of Intellectual Property,” Fifth Annual Loyola Antitrust Colloquium, Loyola University Chicago School of Law, April 2005
- “Of Trinko, Tea Leaves, and Intellectual Property,” The Antitrust Enterprise conference, University of Iowa College of Law, April 2005
- “Cabining Intellectual Property Through a Property Paradigm,” Intellectual Property Workshop Series, George Washington University Law School, October 2004
- “Cabining Intellectual Property Through a Property Paradigm,” Fourth Annual Intellectual Property Scholars Conference, DePaul University Law School (jointly sponsored by Berkeley, Cardozo, and DePaul law schools), August 2004
- “Cabining Intellectual Property Through a Property Paradigm,” Rutgers Law School – Camden, March 2004
- “Cabining Intellectual Property Through a Property Paradigm,” First Annual Intellectual Property and Communications Law and Policy Scholars Roundtable, Michigan State University College of Law, February 2004
- “Cabining Intellectual Property Through a Property Paradigm,” Villanova University School of Law, February 2004
- “Resolving the Patent-Antitrust Paradox Through Tripartite Innovation,” William & Mary School of Law, November 2003
- “Resolving the Patent-Antitrust Paradox Through Tripartite Innovation,” Law & Technology Lecture Series, Case Western Reserve University Law School, November 2003

Michael A. Carrier
Rutgers University School of Law

Commentator on Avishalom Tor, “Developing a Behavioral Approach to Antitrust Law and Economics,” Third Annual Loyola Antitrust Colloquium, Loyola University Chicago School of Law, April 2003

“Resolving the Patent-Antitrust Paradox Through Tripartite Innovation,” AALS Scholars Showcase, ABA Section of Antitrust Law Spring Meeting, April 2003

“Why Antitrust Should Defer to the Intellectual Property Rules of Standard Setting Organizations: A Commentary on Teece and Sherry,” The Interface Between Antitrust Law and Intellectual Property Law symposium, University of Minnesota Law School, February 2003

“Resolving the Patent-Antitrust Paradox Through Tripartite Innovation,” Second Annual Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law (jointly sponsored by Berkeley, Cardozo, and DePaul law schools), August 2002

Rutgers Service:

Academic Policy Committee (2015-2016)
Building Committee (2002-2006)
Career Planning Committee (2013-2015)
Clinical Promotions Committee (2008-2009)
Curriculum Committee (2001-2002)
Dean’s Award for Scholarly Excellence, Ad Hoc Committee (2011)
Faculty Advisor, Junior Faculty Colloquium (2016-2017)
Faculty Ethics Committee (2009-2011)
Non-JD Programs (spring 2018 (chair), 2018-2019)
President’s Recognition Program Committee (2005-2008)
Promotions and Tenure Committee (2006-2015; co-chair, 2012-2013; chair 2019-20)
RLAW Committee (2011-2013)
Rutgers Computer and Technology Law Journal, Camden advisor (2016-present)
Rutgers Institute for Information Policy & Law (Co-Director, 2010-present)
Scholastic Standing Committee (2002-2005)
Speakers Committee (2005-2006)
School of Business Dean Search Committee (2009-2010)

External Service:

ABA Antitrust Section Presidential Transition Task Force 2016
Chair, Intellectual Property Section; Member, Healthcare/Pharmaceuticals Section

Academic Steering Committee, Antitrust Writing Awards (sponsored by Concurrences Review and George Washington University Law School) (2015, 2016, 2019)

American Antitrust Institute (AAI) – Board of Advisors (2005-present)

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Antitrust Law Journal – Contributing Editor (2017-present)

Association of American Law Schools (AALS) – Executive Committee of Antitrust and Economic Regulation section (2007-2012, Chair 2012)

Oxford University Press, Cambridge University Press, Harvard University Press, Harvard Law Review, Yale Law Journal, Stanford Law Review, Antitrust Law Journal, New England Journal of Medicine, other publications – peer reviewer

PREVIOUS EMPLOYMENT

Covington & Burling, Washington, DC *Associate* (1996–2000)
Practiced antitrust, intellectual property, sports, and other civil litigation.
Six-month rotation at Neighborhood Legal Services Program.

U.S. Court of Appeals for the Fourth Circuit, The Honorable John D. Butzner, Jr.
Richmond, VA *Law Clerk* (1995–1996)

U.S. Department of Justice, Antitrust Division (Civil Task Force II); Debevoise & Plimpton
(Summer 1995)

Dickstein, Shapiro & Morin; Winston & Strawn (Summer 1994)

Senate Judiciary Committee (Constitution Subcommittee) (Summer 1993)

EDUCATION

University of Michigan Law School, Juris Doctor, *cum laude*, 1995 (Rank: Top 15%)
Michigan Law Review – Book Review Editor
SCRIBES Note/Comment Writing Competition (for best Note/Comment in country) – Finalist
Helen L. DeRoy Memorial Award (for “best student contribution” to 1994-95 *Michigan Law Review*)
Campbell Moot Court Competition – Semifinalist

Yale University, Bachelor of Arts, *summa cum laude*, 1991 (Distinction in Political Science)
Yale Symphony Orchestra – Principal Percussionist and Soloist
Yale University Dean’s Office – Freshman Counselor
International Forum at Yale – Associate Editor
Andrew D. White Prize in European History – First Place

BAR ADMISSIONS

Washington, D.C.; Maryland; U.S. Supreme Court; U.S. Court of Appeals for the Federal Circuit; U.S. Court of Appeals for the First Circuit; U.S. Court of Appeals for the Third Circuit; U.S. Court of Appeals for the Fourth Circuit