

THOMAS F. COTTER

PRESENT POSITION: Taft Stettinius & Hollister Professor of Law, with Tenure
University of Minnesota Law School

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Blog: ComparativePatentRemedies.com

PROFESSIONAL EXPERIENCE: Associate Dean for Research and Planning
University of Minnesota Law School, 2021-24

Professor of Law, with Tenure
Washington and Lee University School of Law, 2005-06

Professor of Law, with Tenure
University of Florida Fredric G. Levin College of Law, 1999-2005
Research Foundation Professor, 2000-02 and 2004-05
Associate Dean for Faculty Development, spring 2005
Director, Intellectual Property Law Program, 2000-2005

Associate Professor of Law, University of Florida College of Law, 1997-99

Assistant Professor of Law, University of Florida College of Law, 1994-97

Associate, Jenner & Block, Chicago, Illinois, 1990-94; engaged in the general practice of civil and criminal litigation

Associate, Cravath, Swaine & Moore, New York, New York, 1988-90; engaged in the general practice of civil litigation

Law Clerk, Honorable Lawrence W. Pierce, United States Court of Appeals for the Second Circuit, 1987-88

COURSES TAUGHT: Advanced Patents (Spring 2011, 2013, 2015, 2016, 2017); Antitrust (Spring 2006, 2020, 2022; Fall 2006, 2007); Antitrust and Intellectual Property (Fall 2015; Spring 2010, 2013); Civil Procedure (Fall 1994-96); Copyright (Spring 2003, 2005, 2008-09, 2017, 2023-24; Fall 2017-21); Evidence (Spring 1995-99; Fall

1999, Spring 2000-01); Intellectual Property (Spring 1996; Fall 1996-98, 2000-04, 2006-10); International Intellectual Property (Summer 1998 (Montpellier, France), 2001, and 2002; Spring 2000, 2004, 2006-07, 2015, 2018-19, 2021; Spring Intersession 2015 (University of Iowa)); Fall 2002 and 2004); Introduction to American Intellectual Property Law (two-week course, Spring 1999-2000, Warsaw University, Warsaw, Poland); Introduction to Law (one-week course, Fall 1996-97; Spring 1997,1999); Patent Law (Fall 2005, 2007-10, 2012, 2014-15, 2017-20, 2022-23; Spring 2012, 2014); Patent Remedies (Winter Intersession 2018 (University of Iowa)), Spring 2019-24); Patents, Product Development, and Technology Transfer (course organizer and one of several co-teachers of course offered in the University of Florida Biomedical Engineering Program, Spring 2000-01, 2003); Seminar on Intellectual Property Theory (Fall 1997-98, 2000, 2003; Spring 2000, 2003; Fall 2001); Unfair Competition (Spring 2004-05, 2007-12, 2014, 2016, 2018; Fall 2012, 2014)

SCHOLARLY PUBLICATIONS:

BOOKS:

FRAND: GERMAN CASE LAW AND GLOBAL PERSPECTIVES (Peter Georg Picht, Thomas Cotter & Erik Habich eds., Edward Elgar Publishing 2024) (edited volume)

REMEDIES IN U.S. PATENT LAW: AN OPEN-SOURCE CASEBOOK (Tributary Publishing, Inc. 2019; 2d ed. 2020; 3d ed. 2021), <https://app.livecarta.com/catalog/remedies-in-us-patent-law-3rd>

PATENT WARS: HOW PATENTS IMPACT OUR DAILY LIVES (Oxford University Press 2018)

TRADEMARKS, UNFAIR COMPETITION, AND BUSINESS TORTS (coauthored with Barton Beebe, Mark A. Lemley, Peter S. Menell, and Robert P. Merges) (Aspen Publishers 2d ed. 2016), and accompanying teacher's manual

LAW AND ECONOMICS: POSITIVE, NORMATIVE AND BEHAVIORAL PERSPECTIVES (Thomson West 2013) (coauthored with Jeffrey L. Harrison), and accompanying teacher's manual

COMPARATIVE PATENT REMEDIES: A LEGAL AND ECONOMIC ANALYSIS (Oxford University Press 2013), and accompanying blog (comparativepatentremedies.com)

TRADEMARKS, UNFAIR COMPETITION, AND BUSINESS TORTS
(coauthored with Barton Beebe, Mark A. Lemley, Peter S. Menell,
and Robert P. Merges) (Aspen Publishers, 1st ed. 2011), and
accompanying teacher's manual

INTELLECTUAL PROPERTY: ECONOMIC AND LEGAL DIMENSIONS OF
RIGHTS AND REMEDIES (coauthored with Roger D. Blair)
(Cambridge University Press 2005)

**ARTICLES AND
BOOK CHAPTERS:**

- 2024:** *Destruction, Proportionality, and Sustainability: A Law-and-Economics Analysis*, 32 Texas Intellectual Property Law Journal 111-34 (with Chung-Lun Shen)
- Like Ships That Pass in the Night: U.S. and German Approaches to FRAND Disputes*, in FRAND: GERMAN CASE LAW AND GLOBAL PERSPECTIVES (Peter George Picht, Erik Habich & Thomas F. Cotter eds., Edward Elgar Publishing Ltd.)
- 2023:** *Standing, Nominal Damages, and Nominal Damages 'Workarounds' in Intellectual Property Law After TransUnion*, 56 UC Davis Law Review 1085-1163
- 2022:** *And Should I Then Presume?: A Response to Carrier and Tushnet's An Antitrust Framework for False Advertising*, 108 Iowa Law Review Online 22-35
- Extraterritorial Damages in Copyright Law*, 74 Florida Law Review 123-167
- Fifty Years of Patent Remedies Case Law: Two Steps Forward, One Step Back*, 50 AIPLA Q.J. 607-633
- 2021:** *Damages for Noneconomic Harm in Intellectual Property Law*, 72 Hastings Law Journal 1055-1120
- Extraterritorial Damages in Patent Law*, 39 Cardozo Arts & Entertainment Law Journal 1-54
- 2020:** *Antitrust, Intellectual Property, and Dynamic Efficiency: An Essay in Honor of Herbert Hovenkamp*, Concurrences No. 3,

2020, available at <https://www.concurrences.com/en/review/issues/no-3-2020/articles/antitrust-intellectual-property-and-dynamic-efficiency-an-essay-in-honor-of-95413-en>, and in HERBERT HOVENKAMP LIBER AMICORUM (Nicolas Charbit & Sonia Ahmad eds., Institute for Competition Law 2021)

2019: *Demystifying Patent Holdup*, 76 Washington & Lee Law Review 1501-65 (coauthored with Erik N. Hovenkamp and Norman V. Siebrasse)

Empirical Studies Relating to Patents—Remedies, in RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW 390-421 (Peter Menell, David Schwartz, and Ben Depoorter, eds., Edward Elgar Publishing) (coauthored with John M. Golden)

On the Economics of Injunctions in Patent Cases, 11 Zeitschrift für Geistiges Eigentum/Intellectual Property Journal 293-308

Coordinating author of *Reasonable Royalties*, and coauthor of the Introduction and chapters titled *Lost Profits and Disgorgement*; *Enhanced Damages*, *Litigation Cost Recovery*, and *Interest*; *Injunctive Relief*; and *The Effect of FRAND Commitments on Patent Remedies*, in PATENT REMEDIES AND COMPLEX PRODUCTS: TOWARDS A GLOBAL CONSENSUS (Jorge Contreras et al. eds., Cambridge University Press)

2018: *On Unknown Opportunities and Perils: Reflections on Carrier and Minniti's "Biologics: The New Antitrust Frontier,"* 2018 University of Illinois Law Review Online 72-80

Patent Damages Heuristics, 25 Texas Intellectual Property Law Journal 159-213

Review Essay of *Joyce and the Law* (Jonathan Goldman ed., Univ. of Florida Press 2017), 55 James Joyce Quarterly 213-221

2017: *Judicially Determined FRAND Royalties*, in 1 THE CAMBRIDGE HANDBOOK OF TECHNICAL STANDARDIZATION LAW 365-388 (Jorge L. Contreras ed., Cambridge University Press) (coauthored with Norman V. Siebrasse)

The Value of the Standard, 101 Minnesota Law Review 1159-1246 (coauthored with Norman V. Siebrasse)

- 2016:** *Anticompetitive Patent Injunctions*, 100 Minnesota Law Review 871-919 (coauthored with Erik Hovenkamp)
- A Comparative Law and Economics Analysis of Damages for Patent Infringement*, in *COMPARATIVE LAW AND ECONOMICS* (Theodore Eisenberg & Giovanni Battista Ramelo, eds., Edward Elgar Publishing)
- A New Framework for Determining Reasonable Royalties in Patent Litigation*, 68 Florida Law Review 929-999 (coauthored with Norman V. Siebrasse)
- 2015:** *Comparative Overview and TRIPS Enforcement* (coauthored with Christopher Heath), in *PATENT ENFORCEMENT WORLDWIDE: WRITINGS IN HONOUR OF DIETER STAUDER 3RD EDITION* (Christopher Heath ed., Hart Publishing)
- Innovation and Antitrust Policy*, in 2 *OXFORD HANDBOOK ON INTERNATIONAL ANTITRUST ECONOMICS* (Roger D. Blair & D. Daniel Sokol eds., Oxford Univ. Press)
- Legal Pragmatism and Intellectual Property Law*, 7 *Zeitschrift für Geistiges Eigentum/Intellectual Property Journal* 291-317 (revised version of article originally published elsewhere in 2013) (see below)
- 2014:** *The Comparative Law and Economics of Standard-Essential Patents and FRAND Royalties*, 22 *Texas Intellectual Property Law Journal* 311-363
- FTC v. Actavis: When Is the Rule of Reason Not the Rule of Reason?*, 15 *Minnesota Journal of Law, Science and Technology* 41-49 (2014)
- Make No Little Plans: Response to Ted Sichelman, Purging Patent Law of 'Private Law' Remedies*, 92 *Texas Law Review* See Also 25-33 (2014)
- Patents, Antitrust, and the High Cost of Health Care*, 13 *Antitrust Source* No. 4 (Apr. 2014), https://www.americanbar.org/content/dam/aba/publishing/antitrust_source/apr14_cotter_4-8f.authcheckdam.pdf

A Research Agenda for the Comparative Law and Economics of Patent Remedies, in PATENT LAW IN GLOBAL PERSPECTIVE 637-672 (Margo Bagley & Ruth Okediji eds., Oxford University Press)

2013:

The International Trade Commission: Reform or Abolition? A Comment on Colleen v. Chien & Mark A. Lemley, Patent Holdup, the ITC, and the Public Interest, 98 Cornell Law Review Online 43-54

Legal Pragmatism and Intellectual Property Law, in INTELLECTUAL PROPERTY AND THE COMMON LAW 211-229 (Shyamkrishna Balganesh ed., Cambridge University Press)

Reining in Patent Remedies: Three (Increasingly Immodest) Proposals, 30 Santa Clara Computer & High Technology Law Journal 1-30

2011:

An Economic Analysis of Patent Law's Inequitable Conduct Doctrine, 53 Arizona Law Review 735-779 (2011)

IP Misuse and Innovation Harm, 96 Iowa Law Review Bulletin 52-60 (2011)

Four Principles for Calculating Reasonable Royalties in Patent Infringement Litigation, 27 Santa Clara Computer & High Technology Law Journal 725-761 (2011)

Four Questionable Rationales for the Patent Misuse Doctrine, 12 Minnesota Journal of Law, Science & Technology 457-488 (2011)

2010:

A Burkean Perspective on Patent Eligibility, Part II: Reflections on the (Counter)Revolution in Patent Law, 11 Minnesota Journal of Law, Science & Technology 365-381 (2010)

Essential Facilities, book chapter in ANTITRUST LAW AND ECONOMICS 157-82 (Keith Hylton, ed., Edward Elgar Publishing Ltd., 2010)

Integrating the Right of Publicity with First Amendment and Copyright Preemption Analysis, 33 Columbia Journal of Law & the Arts 165-225 (2010) (coauthored with Irina Dmitrieva)

Optimal Fines for False Patent Marking, 17 Michigan

Telecommunications and Technology Law Review 181-99
(2010)

Patent Remedies and Practical Reason, 88 Texas Law Review See
Also 125-135 (2010)

Transformative Use and Cognizable Harm, 12 Vanderbilt Journal
of Entertainment and Technology Law 701-753 (2010)

2009: *Patent Holdup, Patent Remedies, and Antitrust Responses*, 34
Journal of Corporation Law 1151-1207 (2009)

2008: *Fair Use and Copyright Overenforcement*, 93 Iowa Law
Review 1271-1318 (2008)

*Reflections on the Antitrust Modernization Commission's
Report and Recommendations Relating to the Antitrust/IP
Interface*, 53 Antitrust Bulletin 745-801 (2008)

*Toward a Functional Definition of Publication in Copyright
Law*, 92 Minnesota Law Review 1724-1795 (2008)

2007: *A Burkean Perspective on Patent Eligibility*, 22 Berkeley
Technology Law Journal 855-96 (2007)

Misuse, 44 Houston Law Review 901-64 (2007) (symposium
issue)

Authors, Audiences, and Anonymous Speech, 82 Notre Dame
Law Review 1537-1603 (2007) (coauthored with Lyriisa
Barnett Lidsky)

2006: *The Procompetitive Interest in Intellectual Property Law*, 48
William & Mary Law Review 483-557 (2006)

2005: *Some Observations on the Law and Economics of Intermediaries*,
2005 Michigan State Law Review 67-82

Memes and Copyright, 80 Tulane Law Review 331-409 (2005)

2004: *Accommodating the Unauthorized Use of Copyrighted Works for
Religious Purposes Under the Fair Use Doctrine and Copyright
Act § 110 (3)*, 22 Cardozo Arts & Entertainment Law Journal 43-
66 (2004)

Antitrust Implications of Patent Settlements Involving Reverse Payments: Defending a Rebuttable Presumption of Illegality in Light of Some Recent Scholarship, 71 *Antitrust Law Journal* 1069-1097 (2004)

An Economic Analysis of Enhanced Damages and Attorneys' Fees for Willful Patent Infringement, 14 *Federal Circuit Bar Journal* 291-331 (2004)

Market Fundamentalism and the TRIPs Agreement, 22 *Cardozo Arts & Entertainment Law Journal* 307-342 (2004)

2003: *Gutenberg's Legacy: Copyright, Censorship, and Religious Pluralism*, 91 *California Law Review* 323-392 (2003)

Prolegomenon to a Memetic Theory of Copyright: Comments on Lawrence Lessig's The Creative Commons, 55 *Florida Law Review* 779-793 (2003)

Refining the "Presumptive Illegality" Approach to Patent Settlements Involving Reverse Payments: A Comment on Hovenkamp, Janis, and Lemley, 87 *Minnesota Law Review* 1789-1816 (2003)

Written on the Body: Intellectual Property Rights in Tattoos, Makeup, and Other Body Art, 10 *UCLA Entertainment Law Review* 97-138 (2003) (coauthored with Angela M. Mirabole)

2002: *Are Settlements of Pharmaceutical Patent Disputes Illegal Per Se?*, 47 *Antitrust Bulletin* 491-539 (2002) (coauthored with Roger D. Blair)

Strict Liability and Its Alternatives in Patent Law, 17 *Berkeley Technology Law Journal* 799-845 (2002) (coauthored with Roger D. Blair)

2001: *Rethinking Patent Damages*, 10 *Texas Intellectual Property Law Journal* 1-93 (2001) (coauthored with Roger D. Blair)

2000: *The Elusive Logic of Standing Doctrine in Intellectual Property Law*, 74 *Tulane Law Review* 1323-1407 (2000) (coauthored with Roger D. Blair)

- 1999:** *Intellectual Property and the Essential Facilities Doctrine*, 44 Antitrust Bulletin 211-250 (1999) (reprinted in IV Ruth Towse & Rudi W. Holzhauer, *The Economics of Intellectual Property* 177-216 (Edward Elgar Ltd. 2002))
- When the State Steals Ideas: Is the Abrogation of State Sovereign Immunity from Infringement Claims Constitutional in Light of Seminole Tribe?*, 67 Fordham Law Review 1435-1515 (1999) (coauthored with Christina Bohannon)
- Is This Conflict Really Necessary?: Resolving an Ostensible Conflict Between Patent Law and Federal Trademark Law*, 3 Marquette Intellectual Property Law Review 25-75 (1999)
- An Economic Analysis of Seller and User Liability in Intellectual Property Law*, 68 University of Cincinnati Law Review 1-45 (1999) (coauthored with Roger D. Blair)
- 1998:** *Do Federal Uses of Intellectual Property Implicate the Fifth Amendment?*, 50 Florida Law Review 529-572 (1998)
- An Economic Analysis of Damages Rules in Intellectual Property Law*, 39 William & Mary Law Review 1585-1694 (1998) (coauthored with Roger D. Blair)
- 1997:** *Pragmatism, Economics, and the Droit Moral*, 76 North Carolina Law Review 1-97 (1997)
- 1996:** *Legal Pragmatism and the Law and Economics Movement*, 84 Georgetown Law Journal 2071-2141 (1996)
- Conflicting Interests in Trade Secrets*, 48 Florida Law Review 591-606 (1996)
- 1995:** *Owning What Doesn't Exist, Where It Doesn't Exist*, 1995 University of Illinois Law Review 487-541
- 1987:** *Cargill, Inc. v. Monfort of Colorado, Inc.: The Supreme Court Restricts Private Antitrust Challenges of Horizontal Mergers*, 1987 Wisconsin Law Review 503-541
- OTHER AND MINOR SCHOLARLY WORKS:** Over 1,600 blog posts on comparativepatentremedies.com, 2013 to present

Apple v. Motorola: Admissibility of expert testimony on royalties; injunctive relief, in LEADING FRAND CASES (Jorge L. Contreras ed., Edward Elgar Press, forthcoming 2025)

Transparency More Crucial Than New FRAND Royalty Methods, Law360, June 14, 2021

Is Global FRAND Litigation Spinning Out of Control, 2021 Patently-O L.J. 1-26

UK Top Court Ruling May Be Problematic for Global SEP Suits, Law360, Sept. 21, 2020

Two Errors in the Ninth Circuit's Qualcomm Opinion, 2020 Patently-O L.J. 1-10

License to All Should Prevail in FRAND Patent Wars, Law360, June 4, 2020

Gov't Policy Statement on SEP Remedies Should be Cabined, Law360, Jan. 6, 2020

Huawei Case Might Mean UK Forum Sets Global FRAND Rates, Law360, Oct. 2, 2019

2 Themes From Qualcomm's Appeal Of FTC's Antitrust Win, Law360, Sept. 5, 2019

Delrahim's Antitrust Approach to FRAND Still Problematic, Law360, June 7, 2019

US Antitrust Law Supports an FTC Win Against Qualcomm, Law360, Mar. 19, 2019

Atlas Isn't About to Shrug Over Current IP Laws, The Hill, Jan. 2, 2019

DOJ Speech May Leave Implementers in Dire Straits, Law360, Dec. 10, 2018

FRAND and Antitrust: Misconceptions vs. Reality, Law360, Oct. 27, 2018

Congress Shouldn't Overturn eBay Patent Injunction Standard,

Law360, Sept. 19, 2018

How much do patents matter to innovation?, OUP Blog, July 2, 2018, <https://blog.oup.com/2018/07/patents-matter-innovation/>

Review of Christina Bohannon & Herbert Hovenkamp, *Creation Without Restraint: Promoting Liberty and Rivalry in Innovation* (Oxford Univ. Press 2012), Antitrust & Competition Policy Blog https://lawprofessors.typepad.com/antitrustprof_blog/2012/03/cotter-on-creation-without-restraint.html (Mar. 5, 2012)

Counsel of Record and Lead Drafter of Brief of Professors John R. Allison et al. as *Amici Curiae* in Support of the Respondents, in *MedImmune, Inc. v. Genentech, Inc. et al.*, No. 06-508 (U.S. Supreme Court, filed July 26, 2006)

Evaluating the Pro- and Anticompetitive Effects of Intellectual Property Protection (Book Review of *Antitrust, Patents and Copyright: EU and US Perspectives* (François Lévêque & Howard Shelanski eds. 2005)), Antitrust Source (Mar. 2006)

Not Fare Well, But Fare Forward, Voyagers, 10 *Journal of Technology Law & Policy* ix-xii (2005)

Law, Economics, and Intellectual Property (Book Review of William M. Landes & Richard A. Posner, *The Economic Structure of Intellectual Property Law*, Antitrust Source (Mar. 2004)

Introduction to Symposium on Intellectual Property, Development, and Human Rights, 14 *Florida Journal of International Law* 147-153 (2002)

Pragmatism (Update), in 4 *Encyclopedia of the American Constitution Supplement* (Leonard W. Levy & Kenneth J. Karst, eds., 2d ed. 2000), pp. 1983-84

Guest Editor, *Perspectives on United States v. Microsoft Corp.*, 44 *Antitrust Bulletin* 553-738 (1999)

Foreword, 3 *Journal of Technology Law and Policy* 1-3 (1998)
<<http://journal.law.ufl.edu/~techlaw/3-1/foreword.html>>

Civil Procedure and Jurisdiction, in 1997 *Business Litigation Conference Certification Review Course* (Florida Bar Continuing

Legal Education Committee and Business Law Section, Apr. 17-18, 1997)

Civil Procedure and Jurisdiction, in 1996 Business Litigation Certification Review Course (Florida Bar Continuing Legal Education Committee and Business Law Section, Apr. 26-27, 1996)

WORKS-IN-PROGRESS: PRINCIPLES OF INTELLECTUAL PROPERTY LAW: REMEDIES (book project)

WRONGFUL PATENT ASSERTION: A COMPARATIVE LAW-AND ECONOMICS ANALYSIS (book project)

The Law and Economics of Wrongful Patent Assertion, to be published in an edited volume of papers presented at the 20th IEEM Intellectual Property Seminar, “Proportionality in Intellectual Property Law,” Macau, S.A.R., Nov. 4-5, 2024

SCHOLARLY AND PROFESSIONAL PRESENTATIONS:

Moderated a webinar titled “German FRAND Cases: The EC’s Amicus Brief and Other Developments,” sponsored by the University of Minnesota Law School, the Center for Intellectual Property and Competition Law (CIPCO) at University of Zurich; and the Munich IP Dispute Resolution Forum (IPDR), Nov. 14, 2024

Presented “Extraterritorial Damages for IP Infringement Under U.S. Law, IEEM IP Programme 2024: Professional Intellectual Property Update, Hong Kong, S.A.R., Nov. 6, 2024

Presented “The Law and Economics of Wrongful Patent Assertion,” at the 20th IEEM Intellectual Property Seminar, “Proportionality in Intellectual Property Law,” Macau, S.A.R., Nov. 4, 2024

Participated a webinar titled “The German Case Law on Standard-Essential Patents,” organized by BRELA Research in Economics & Legal Analytics; Northwestern University’s Center on Law, Business, and Economics; the Center for Intellectual Property and Competition Law (CIPCO) at University of Zurich; and the Munich IP Dispute Resolution Forum (IPDR), Aug. 26, 2024

Panelist for a webinar titled “Patent Owners in the Soup... No

Injunction for You!, organized by the Federalist Society, Aug. 15, 2024

Remotely presented “Compensatory Patent Damages,” 2024 Patent Valuation and Damages Workshop: A Comparative Law Perspective, Koguan School of Law, Shanghai Jiao Tong University, May 28, 2024

Panelist for panel titled “Major U.S. Supreme Court Decisions,” Intellectual Property Institute of Canada (IPIC) 2023 Annual Meeting, Oct. 12, 2023

Co-presenter with Chung-Lun Shen, *Destruction, Proportionality, and Sustainability: A Law-and-Economics Analysis*, International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) 2023 Congress, Tokyo, Japan, July 12, 2023

Panelist for FRAND Panel, 30th Annual Intellectual Property Law and Policy Conference, Fordham Law School, Apr. 14, 2023

Speaker, Practicing Law Institute (PLI) IP Discussions—Damages, Mar. 27, 2023

Remote-presented a lecture, titled “Wrongful Patent Assertion: A Comparative Law and Economics Approach,” organized by National Chengchi University, Taipei, Taiwan, Apr. 21, 2022

Co-presenter with Hon. Randall Rader of “Damages Calculations in Patent Infringement Actions in the United States,” a webinar hosted by OxFirst Ltd., Feb. 24, 2022

Commenter, Online Workshop on Anti-Suit Injunctions and FRAND Litigation in China, Chinese University of Hong Kong, Dec. 17, 2021

Panelist for Copyright Panel, UIC 65th Annual Intellectual Property Law Conference, Nov. 4-5, 2021

Presented a paper titled “Nominal Damages—and Nominal Damages Workarounds—in Intellectual Property Law,” Intellectual Property Scholars Conference (IPSC), Aug. 12, 2021

Participated in FOSS Patents podcast on developments in the

law of injunctions in patent cases, June 21, 2021

Recorded a presentation titled “Is Global FRAND Litigation Spinning Out of Control?” for World IP Forum, May 1, 2021

Presented “A Recap of *FTC v. Qualcomm*,” Intellectual Property Owners (IPO) U.S. Patent Law Committee Monthly Meeting, Mar. 19, 2021

Presented “On the Economics of Injunctions in Patent Cases” at (1) a Texas Intellectual Property Law Journal symposium titled “Show Me the Money: Financing and Damages in IP Litigation,” Mar. 5, 2021; (2) a conference on “Injunctions and Flexibility in Patent Law—Civil Law and Common Law Perspectives,” Ludwig Maximilian University, Munich, Germany, Apr. 4-5, 2019; and (3) a conference titled “Enforcing Patents Smoothly: From Automatic Injunctions to Proportionate Remedies,” Friedrich-Alexander Universität, Erlangen-Nürnberg, Germany, Mar. 22, 2019

Presented a paper titled “Extraterritorial Damages in Copyright Law,” Works-in-Progress Intellectual Property Colloquium, Feb. 19, 2021

Co-moderated an *Antitrust* Roundtable (Spring 2021 issue): *Microsoft’s* Legacy, Feb. 5, 2021

Participated in a panel on patents and COVID-19, UIC John Marshall Law School 64th Annual IP Conference, Nov. 13, 2020

Participated in a panel titled “The Future of Intellectual Property and Standards—What Do the Data Tell Us?,” 11th Annual Conference on Standardization and Innovation in IT (SIIT), Sept. 2, 2020

Presented a talk titled “Extraterritorial Damages in Patent Law,” at (1) the Intellectual Property Scholars Conference (IPSC), Aug. 14, 2020; (2) the University of Minnesota Law School Squaretale Series, Aug. 5, 2020; and (3) the Taiwan Intellectual Property Court, Taipei, Taiwan, Dec. 2, 2019

Presented a paper titled “Damages for Noneconomic Harm in Intellectual Property Law” at (1) a webinar hosted by OxFirst Ltd., June 23, 2020; and (2) a Patent Damages Symposium held at National Chengchi University, Taipei, Taiwan, Dec. 6, 2019

Moderated a panel titled “A Year in Review – Antitrust Developments 2019-2020,” hosted by the Minnesota State Bar Association Antitrust Section, June 17, 2020

Participated in an IPO IP Chat Channel webinar titled “Willful Blindness and Enhanced Damages: Litigation and Patent Search Policy,” Apr. 9, 2020

Participated in a Patent Remedies Roundtable, University of Texas School of Law, Jan. 30, 2020

Panelist for a session on competition law issues, John Marshall Law School 63rd Annual IP Conference, Chicago, Ill., Nov. 1, 2019

Keynote speaker, “Should FRAND Licensing Rates Be Global?,” OxFirst's Fourth IP and Competition Forum: Globalisation and FRAND: Coming to Grips With The Interplay of IP & Competition Law, St. Cross College, Oxford University, Oct. 18, 2019

Testified at U.S. Senate Subcommittee on Intellectual Property Hearings on the STRONGER Patents Act, Washington, D.C., Sept. 11, 2019

Presented a talk, variously titled “Extraterritorial Restraint” or “Is Territoriality Dead?,” addressing the topics of global FRAND rates, antisuit injunctions, and damages for extraterritorial harms, at (1) Waseda University, Tokyo, Japan, Feb. 7, 2019; (2) an International I.P. Workshop at Nagoya University, Nagoya, Japan, Feb. 8, 2019; and (3) the Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, Aug. 8, 2019

Panelist for a session titled “Injunctions and the Ramifications of Litigation: Perspectives from Around the World,” RPX Conference 2019, San Francisco, California, May 22, 2019

Panelist, Competition Law Panel, 27th Annual Intellectual Property Law & Policy Conference, Fordham Law School, New York, N.Y., Apr. 25-26, 2019

Participated in an event titled “Current Affairs of Patent Conference: American and European Perspectives,” Bar Association of Barcelona, Spain, Mar. 26, 2019

Participated in an event titled “Patent Wars: A Debate About the Role of Patents for Entrepreneurs,” ESADE Barcelona, Mar. 25, 2019

Presented a public lecture on my book *Patent Wars* at John Marshall Law School, Chicago, Ill., Feb. 27, 2019

Participated in a teleforum sponsored by the Federalist Society, titled “Dispatches from the Patent Wars: The High-Stakes Battle Between Qualcomm and Apple,” Jan. 11, 2019

Spoke on enhanced damages and global FRAND issues, Tenth Annual Conference on the Role of the Courts in Patent Law and Policy, Georgetown University Law Center, Washington, D.C., Nov. 16, 2018

Participated in a roundtable discussion and panel session on patentable subject matter, John Marshall Law School 62nd Annual IP Conference, Chicago, Ill., Nov. 1-2, 2018

Spoke on the role of patents in promoting innovation, Federal Trade Commission, Hearings on Competition and Consumer Protection in the 21st Century, Oct. 23, 2018

Presented a guest lecture on patent remedies and FRAND issues For Professor Ruth Okediji’s Intellectual Property Law Class, Harvard Law School, Oct. 19, 2018

Moderated a panel titled “Courts and Intellectual Property Disputes at Trade Shows,” at a conference titled “Intellectual Property Rights Enforcement at Trade Shows: International Perspectives and Best Practices,” University of Nevada-Las Vegas, Oct. 4, 2018

Participated in an IPO IP Chat Channel webinar titled “Willfulness After *Halo*,” June 26, 2018

Participated with several coauthors in a session on PATENT REMEDIES AND COMPLEX PRODUCTS: TOWARDS A GLOBAL CONSENSUS (Jorge Contreras et al. eds., Cambridge University Press, forthcoming), at PatCon 8: The Annual Patent

Conference, University of San Diego School of Law, Mar. 2-3, 2018

Participated in an IPO IP Chat Channel webinar titled “FRAND Litigation After *TCL v. Ericsson*,” Feb. 28, 2018

Panelist for a session titled “Patent Damages in SEP Cases and Court Adjudications,” Third International Conference on Innovation for Shared Prosperity: Deliberations on Standard Setting and Patent Licensing, Jindal Institute on Research in IP and Competition, New Delhi, India, Nov. 4, 2017 (participated via Skype)

Moderated a panel titled “Investigating the Pricing Equation: A Law and Economics Analysis,” at the Minnesota Law Review Symposium “A Prescription for Pharmaceutical’s Future: Balancing Industry and Consumer Concerns in Pharmaceutical Drug Development,” University of Minnesota Law School, Oct. 27, 2017

Lectured on “IP Remedies and Compensation-Recent Developments in the U.S.” at the IPR Summer School, Helsinki, Finland, June 7, 2017

Presented “A Three-Step Approach to Reasonable Royalties,” and participated on a panel with Colleen V. Chien and Richard A. Posner on our book project *Redesigning Patent Law*, at PatCon 7: The Annual Patent Conference, Northwestern University Law School, Chicago, Ill., Apr. 7-8, 2017

Group leader and participant, International Patent Remedies for Complex Products (INPRECOMP) workshops, Arizona State University, Phoenix, Arizona, Mar. 23-24, 2017, and King’s College, London, U.K., Oct. 27-28, 2016

Participated in Berkeley Center for Law & Technology Patentable Subject Matter Workshop, University of California at Berkeley, Mar. 17, 2017

Participated as a commentator at the Conference on Patent Damages Part 2, University of Texas School of Law, Feb. 17-18, 2017

Participated in an IPO IP Chat Channel webinar titled “Future of Design Patent Damages After *Apple v. Samsung*,” Jan. 12, 2017

Presented “Are Trade Secrets the Future of IP Protection?” at the Midwest IP Institute, Minneapolis, Minnesota, Sept. 23, 2016

Presented “The Value of the Standard” at (1) the 2016 Annual Meeting of the American Law and Economics Association at Harvard Law School, May 20, 2016 (with Norman Siebrasse); (2) the Tilburg Law & Economics Center Conference on Competition, Standardization, and Innovation, Amsterdam, Netherlands, Dec. 11, 2015; (3) the Research Institute of Economy, Trade and Industry (Tokyo, Japan), June 9, 2015; and (4) Kyushu University (Japan), June 12, 2015

Presented “In Theory: What Fair Use Was Meant to Be” at the 2016 AIPLA Spring Meeting, Minneapolis, Minnesota, May 19, 2016

Presented a lecture titled “Keeping Up with Patent Remedies” at the Fifth Annual University of Minnesota Patent Symposium, Apr. 26, 2016

Commented on works presented at Junior Patent Roundtable, Notre Dame Law School, Apr. 1, 2016

Participated in Berkeley Center for Law & Technology Patent Damages Workshop, University of California at Berkeley, Mar. 3, 2016

Participated in ABA IP Roundtable titled “After *Lexmark*, Is International Patent Exhaustion on the Horizon?,” Minneapolis, Minn., Jan. 6, 2015

Participated in an IPO IP Chat Channel webinar titled “FRAND Damages: Comparing the Four Leading Cases, Including *CSIRO*,” Dec. 16, 2015

Presented (with Norman Siebrasse) “Ex Post Shapley Pricing as the Solution Concept for Reasonable and Non-Discriminatory Royalties” and “Standard Value Holdup” at the IEEE SIIT 2015 9th International Conference on Standardization and Innovation in Information Technology, Sunnyvale, California, Oct. 8, 2015

Participated on a panel titled “What You Need to Know About Antitrust Developments and How They Relate to IP,” Midwest I.P. Institute, Minneapolis, Minnesota, Sept. 18, 2015

Co-presented (with John Golden) “Empirical Studies Relating to Patents—Remedies” at a conference on the forthcoming RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW, Northwestern University Law School, Chicago, Illinois, Aug. 4, 2015

Presented a lecture titled “Patent Remedies: Recommendations for International Best Practice,” Doshisha University (Kyoto, Japan), June 10, 2015

Presented an all-day continuing legal education program, titled “Selected Topics in Unfair Competition and Business Torts,” University of Minnesota Summer CLE 2015, May 26, 2015

Presented “Patentable Subject Matter: From ‘Everything Is Patentable’ to ‘Nothing Is Patentable’?” at the Fourth Annual University of Minnesota Patent Symposium, Apr. 29, 2015

Presented an all-day continuing legal education program, titled “Patent Remedies and Patent Assertion Entities,” University of Minnesota Super CLE 2015, Mar. 20, 2015

Presented a CLE titled “The Changing Landscape of Patent Damages,” Robins Kaplan LLP, Minneapolis, Minnesota, March 3, 2015

Participated in a panel on the rule of reason at a conference titled “After *Actavis*: Litigating Reverse Payment Cases,” University of San Francisco School of Law, Feb. 27, 2015

Participated as a panelist, ABA IP Roundtable on The 3D Revolution: IP Issues Arising from the Proliferation of 3D Printing, Minneapolis, Minn., Feb. 10, 2015

Presented “Legal Pragmatism and Intellectual Property Law” at a conference titled “Intellectual Property and the Public Domain—Results and Perspectives,” University of Bayreuth, Germany, Feb. 6, 2015

Participated in a panel on remedies and standard-essential patents

at a conference titled "Patent + Policy -- The Future of Patent Remedies," American University Washington College of Law, Nov. 11, 2014

Presented "Do Patent Assertion Entities Help or Hinder Innovation? A Review of the Principal Arguments," at (1) the Third Annual University of Minnesota Patent Symposium, May 21, 2014, and (2) the Oregon Patent Law Association's Salishan Patent Law Conference, Gleneden Beach, Oregon, Sept. 27, 2014

Presented "Wrongful Patent Enforcement: A Comparative Law and Economics Analysis," at (1) the University of Minnesota Law School, Aug. 6, 2014; and (2) PatCon 4: The Annual Patent Conference, University of San Diego School of Law, Apr. 5, 2014

Panelist on "Patent 'Hold-up'—The Theoretical and Empirical Basis for Antitrust Intervention," Global Competition Review's Live 2d Annual IP & Antitrust Conference, Brussels, Belgium, June 23, 2014

Participated as a panelist, ABA IP Roundtable on *Teva Pharmaceuticals USA, Inc. v. Sandoz Inc.*, Minneapolis, Minn., June 11, 2014

Participated in Patent Pledges Workshop, American University Washington College of Law, May 30, 2014

Presented an all-day continuing legal education program, titled "Selected Topics in Unfair Competition and Business Torts," University of Minnesota Summer CLE 2014, May 29, 2014

Participated as a panelist, ABA IP Roundtable on "The Patent Exhaustion Doctrine and Method Patent Claims: *Keurig Inc. v. Sturm Foods Inc.*," Minneapolis, Minn., Mar. 31, 2014

Presented a paper titled "The Comparative Law and Economics of Standard Essential Patents and FRAND Royalties," at (1) Texas Intellectual Property Law Journal 15th Annual IP Symposium, University of Texas School of Law, Feb. 21, 2014; (2) UCLA Entertainment, Media & IP Colloquium, UCLA School of Law, Nov. 10, 2013; (3) University of Florida Fredric G. Levin College of Law, Sept. 11, 2013; and (4) Munich Intellectual Property Law Center, July 8, 2013

Participated as a panelist, ABA IP Roundtable on “Section 285 Exceptional Cases: Will the High Court Change the Standard?”, Minneapolis, Minn., Dec. 10, 2013

Panelist, Federalist Society Intellectual Property Group Podcast on “Patent Re-Reform in Congress,” Nov. 21, 2013, <http://www.fed-soc.org/publications/detail/patent-re-reform-in-congress-podcast>

Participated in a panel on remedies in patent cases, at a conference titled “The Role of the Courts in Patent Law & Policy,” Georgetown University Law Center, Washington, D.C., Nov. 1, 2013

Presented a continuing legal education lecture on copyright trolls, 2013 Midwest I.P. Institute, Minneapolis, Minnesota, Sept. 27, 2013

Presented a lecture on comparative patent remedies, Santa Clara University School of Law Summer Abroad Program in Comparative IP Law, Munich, Germany, July 4, 2013

Presented an all-day continuing legal education program, Titled “Selected Topics in Unfair Competition and Business Torts,” University of Minnesota Summer CLE 2013, May 28, 2013

Presented on pay-for-delay settlements, Minnesota State Bar Association Antitrust Law Section, Minneapolis, Minnesota, May 20, 2013

Participated in an ABA IP Roundtable titled “To Seed or Not to Seed: The Intersection of Patent Exhaustion and Self-Replicating Technologies in *Monsanto v. Bowman*,” Minneapolis, Minn., Apr. 18, 2013

Presented “Update on Patent Remedies” at the Second Annual University of Minnesota Patent Symposium, Apr. 12, 2013

Participated on a panel titled “Hot Topics in Patent Damages,” ABA IPL Section 28th Annual Intellectual Property Law Conference, Crystal City, Va., Apr. 3, 2013

Presented a draft paper, titled “Reining in Remedies in Patent Litigation: Three (Increasingly Immodest) Proposals,” DePaul

University College of Law, Mar. 6, 2013

Presented “Patent Remedies in Global Perspective” at (1) the Second Annual University of Minnesota Law School Patent Symposium, April 12, 2013; (2) a symposium titled “The Mobile Revolution: Legal Ramifications of Spontaneity and Flexibility,” Santa Clara University School of Law, Feb. 22, 2013, and (3) the Third Annual University of San Diego School of Law Patent Law Conference, “The Future of Patent Remedies,” Jan. 18, 2013

Participated as a panelist, ABA IP Roundtable on “Yums v. Nike: Exploring the Boundaries of an IP Owner’s Ability to Control the Existence of a Justiciable Case or Controversy,” Minneapolis, Minn., Feb. 7, 2013

Participated as a panelist, ABA IP Roundtable on Non-Conventional Trademarks, Minneapolis, Minn., Dec. 4, 2012

Presented an all-day continuing legal education program, titled “Selected Topics in Unfair Competition and Business Torts,” University of Minnesota Summer CLE 2012, May 31, 2012

Participated in a panel discussion on recent developments in antitrust law, Minnesota State Bar Association Antitrust Law Section, Minneapolis, Minnesota, May 22, 2012

Participated as a commenter on Professor Shyam Balganesch’s work-in-progress titled *The Uneasy Case Against Copyright Trolls*, Law and Information Society Faculty Workshop, Fordham Law School, Feb. 10, 2012

Presented “Comparative Patent Remedies: A Legal and Economic Analysis,” at (1) a faculty workshop at the University of Minnesota Law School, Feb. 2, 2012; and (2) the Second Annual University of San Diego School of Law Patent Law Conference, Jan. 21, 2012

Panelist, “America Invents Act of 2011 ABA Roundtable,” cohosted by the firms of Merchant & Gould and Briggs and Morgan, P.A., Minneapolis, Minn., Dec. 7, 2011

Presented “Post-Issuance Proceedings Under the AIA” at a continuing legal education event sponsored by the University of Minnesota Law School and Briggs and Morgan, P.A., titled

“Patent Strategy After the America Invents Act,” Nov. 16, 2011

Presented a lecture on TRIPs and essential medicines, Santa Clara University School of Law Summer Abroad Program in Comparative IP Law, Munich, Germany, July 12, 2011

Presented an all-day continuing legal education program, titled “Selected Topics in Unfair Competition and Business Torts,” University of Minnesota Summer CLE 2011, May 31, 2011

Participated in a panel discussion on recent developments in antitrust law, and to participate in a continuing legal education session on antitrust and intellectual property, Minnesota State Bar Association Antitrust Law Section, Minneapolis, Minnesota, May 25, 2011

Presented a paper titled “An Economic Analysis of Patent Law’s Inequitable Conduct Doctrine,” at (1) the Annual Meeting of the American Law and Economics Association, Columbia University Law School, May 20, 2011; (2) a workshop at the University of Michigan Law School, Oct. 26, 2010; and (3) the Tenth Annual Intellectual Property Scholars Conference, University of California at Berkeley, Aug. 12, 2010

Presented a CLE lecture on “Basic Copyright: Law of The Arts 101,” 2011 Arts, Entertainment & Sports Law Institute, Minneapolis, Minnesota, May 13, 2011

Presented a paper titled “Legal Pragmatism and Intellectual Property Law” at a symposium titled “Intellectual Property and the Common Law,” held at the University of Pennsylvania Law School, May 6-7, 2011

Participated as a panelist, ABA IP Roundtable on Keyword Advertising Disputes, Minneapolis, Minnesota, April 7, 2011

Presented an all-day continuing legal education program, titled “Selected Topics in Patent Litigation,” University of Minnesota Super CLE 2011, Mar. 17, 2011

Presented a paper titled “Four Questionable Rationales for the Patent Misuse Doctrine,” (1) at a faculty workshop at the University of Wisconsin Law School, Feb. 25, 2011; and (2) at an Antitrust and Innovation Symposium, Stanford School of Law,

Stanford, California, May 21, 2010

Presented a paper titled “Four Principles for Calculating Reasonable Royalties in Patent Infringement Litigation” at symposia held at (1) Stanford Law School, Feb. 18, 2011, and (2) Santa Clara University School of Law, Jan. 21, 2011

Presented a public lecture on “Antitrust in the 20th Century,” sponsored by the Minnesota State Bar Foundation, Federal Bar Association (Minnesota Chapter), and Ramsey County Historical Society, Landmark Center, St. Paul, Minnesota, Nov. 6, 2010

Participated in a session on false patent marking, Midwest Intellectual Property Institute, Sept. 23, 2010, Minneapolis, Minnesota

Panelist, Podcast on *Bilski v. Kappos*, July 7, 2010, available at <http://www.bpgradio.com/>

Presented an all-day continuing legal education session, titled “Selected Topics in Unfair Competition and Business Torts,” University of Minnesota Summer CLE 2010, June 8, 2010

Panelist, ABA IP Roundtable on False Patent Marking, Minneapolis, Minnesota, May 25, 2010

Participated in panel discussion on recent developments in antitrust law, Minnesota State Bar Association Antitrust Panel, Minneapolis, Minnesota, May 19, 2010

Presented “Laughing at Logos: The Evolving Law of Trademark Parodies,” Minnesota Intellectual Property Law Association Authors’ and Inventors’ Dinner, St. Paul, Minnesota, Apr. 7, 2010

Presented an all-day continuing legal education program, titled “Selected Topics in Patent Litigation,” University of Minnesota Super CLE 2010, Mar. 17, 2010

Presented “Laughing at Logos: The Evolving Law of Trademark Parodies,” Cleveland Intellectual Property Law Association, Jan. 14, 2010

Presented “A Burkean Perspective on Patent Eligibility, Part II: Reflections on the (Counter)Revolution in Patent Law,” at a

conference titled “The Future of Subject Matter Eligibility After *In re Bilski*,” Bar-Ilan University, Ramat Gan, Israel, Jan. 4, 2010

Presented paper, titled “Transformative Use and Cognizable Harm,” at (1) a conference sponsored by the Vanderbilt Journal of Law and Technology, titled “Drawing Lines in the Digital Age: Copyright, Fair Use, and Derivative Works,” Vanderbilt University Law School, Oct. 23, 2009, and (2) a conference sponsored by the University of Minnesota Law Review, titled “Cyberspace & the Law: Privacy, Property, and Crime in the Virtual Frontier,” University of Minnesota Law School, Oct. 16, 2009

Presenter (with Devan Padmanabhan) on “Hot Topics in Patent Remedies and Damages,” Midwest Intellectual Property Institute, Sept. 24, 2009, Minneapolis, Minnesota

Presented paper, titled *Reconciling the Right of Publicity with the First Amendment and Copyright Law* (coauthored with Irina Y. Dmitrieva), Ninth Annual Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, Yeshiva University, Aug. 7, 2009

Panelist, Podcast on Patent Reform: Damages, June 11, 2009, available at <http://ipcolloquium.com/mobile/2009/06/damages/>

Presented all-day continuing legal education session, titled “Selected Topics in Unfair Competition and Business Torts,” University of Minnesota Summer CLE 2009, June 1, 2009

Participated in panel discussion on recent developments in antitrust law, Minnesota State Bar Association Antitrust Panel, Minneapolis, Minnesota, May 6, 2009

Spoke on *Trends in Patent Litigation: Update on Cases Affecting Enforceability, the Value of Patents, Damages, and Other Remedies*, Intensive Advanced Workshop on Legal and Economic Developments in Calculating Patent Damages: Strategic Issues in Securing Patent Damages, Law Seminars International, San Francisco, Cal., Apr. 20, 2009

Participated in Roundtable on Royalty Stacking, University of San Diego School of Law, Mar. 13, 2009

Presented paper, titled *Patent Holdup, Patent Remedies, and Antitrust Responses*, (1) as the Briggs and Morgan Chair in Law Lecture, University of Minnesota Law School, Feb. 17, 2009; (2) at a Symposium on Invention, Creation and Public Policy, University of Iowa College of Law, Feb. 13-14, 2009; and (3) at an antitrust/IP workshop at the University of Minnesota Law School, Sept. 19, 2008

Panelist, Federal Trade Commission Hearings on the Evolving IP Marketplace, Washington, D.C., Feb. 10, 2009 and Dec. 5, 2008

Panelist, ABA IP Roundtable on Copyright Protection in the Digital Age: Google E-Library Settlement, Viacom v. YouTube and Beyond, Minneapolis, Minnesota, Dec. 18, 2008

Panelist, Podcast on *Bilski* and the Patentability of Business Methods, Dec. 16, 2008, *available at* <http://www.bpgradio.com/>

Panelist, Workshop on Patentable Subject Matter, Berkeley Center for Law and Technology, Oct. 3, 2008

Presented work-in-progress, titled “Reconciling the Right of Publicity with the First Amendment and with Copyright Law,” University of Minnesota Law School, June 4, 2008

Presented all-day continuing legal education session, titled “Selected Topics in Unfair Competition and Business Torts,” University of Minnesota Summer CLE 2008, May 29, 2008

Participated in panel discussion on the Federal Circuit’s en banc decision in *In re Seagate Technology, LLC*, Minnesota Intellectual Property Law Association Stampede, Minneapolis, Minnesota, May 20, 2008

Participated in panel discussion on recent developments in antitrust law, Minnesota State Bar Association Antitrust Panel, University of St. Thomas School of Law, Minneapolis, Minnesota, May 7, 2008

Participated as a Conference Fellow at the Symposium on Meurer and Bessen’s *Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovators at Risk*, University of Georgia Law School, March 29, 2008

Presented discussion on “Trips and Essential Medicines,” Global Policy Workshop, Freeman Center for International Economic Policy, Hubert H. Humphrey Institute for Public Affairs, University of Minnesota, Feb. 26, 2008

Participated as commenter on junior IP scholars’ papers, at the IP Scholars’ Workshop, Michigan State University College of Law, February 15-16, 2008

Presented paper, titled “Misuse,” at (1) the University of Houston Law Center’s Intellectual Property and Information Law Symposium, June 9, 2007, Santa Fe, New Mexico; and (2) the Innovation, Business & Law Colloquium at the University of Iowa College of Law, April 5, 2007

Presented all-day continuing legal education session, titled “Selected Topics in Unfair Competition and Business Torts,” University of Minnesota Summer CLE 2007, June 5, 2007

Participated in panel discussion on recent U.S. Supreme Court antitrust decisions, Minnesota State Bar Association Antitrust Panel, University of St. Thomas School of Law, Minneapolis, Minnesota, May 23, 2007

Led lunchtime discussion on the law of false advertising, University of Minnesota Law School, April 18, 2007

Presented paper titled “A Burkean Perspective on Patent Eligibility,” at the George Washington University/Oracle Corporation Symposium titled “What’s Ahead on Highway 101?”, George Washington University Law School, Nov. 3, 2006

Presented paper, titled “Fair Use and Copyright Overenforcement,” at (1) the Intellectual Property Scholars Conference, DePaul University College of Law, Aug. 9-10, 2007; (2) a faculty workshop at the University of Minnesota Law School, School, Oct. 6, 2006; and (3) a seminar at the University of California at Berkeley, Boalt Hall, Sept. 14, 2006

Presented paper, titled “Authorship, Audiences, and Anonymous Speech” at the Sixth Annual Intellectual Property Scholars Conference, University of California at Berkeley, Aug. 11, 2006

Moderated discussion on “Fifth Amendment Takings and

Intellectual Property” at the Association of American Law Schools’ Workshop on Intellectual Property, June 14, 2006, Vancouver, British Columbia, Canada

Presented paper, titled “The Procompetitive Interest in Intellectual Property Law,” at (1) Annual Meeting of the American Law and Economics Association, University of California at Berkeley, May 2006; (2) faculty workshops at the University of Minnesota School of Law and at Washington and Lee University School of Law, January 2006; and (3) Fifth Annual Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, Yeshiva University, Aug. 11, 2005

Presented paper, titled “The Law and Economics of Intermediaries: Developing a General Analytical Framework,” at a conference titled “W(h)ither the Middleman: The Role and Future of Intermediaries in the Information Age,” Michigan State University College of Law, Apr. 9, 2005

Organizer of Continuing Legal Education Program, titled Fourth Annual Law and Technology Institute,” Orlando, Florida, Feb. 25, 2005

Panelist, “Digital Music: The New Era of Creative Commons and What It Means for Recording Artists, Copyright Ownership, and the Listening Public,” and “Copyright Issues: Whose Song Is It, What Happens If the Band Breaks Up, Licensing and Royalties,” Third Annual Music Law Conference, University of Florida Fredric G. Levin College of Law, Jan. 29, 2005

Presented paper titled “An Economic Analysis of Enhanced Damages and Attorneys’ Fees for Willful Patent Infringement,” presented at the George Washington University/Oracle Corporation Symposium on Willful Patent Infringement, held at the George Washington University Law School, Mar. 19, 2004

Organizer of Continuing Legal Education Program, titled “Third Annual Law and Technology Institute,” Orlando, Florida, Feb. 20, 2004

Presented three chapters from forthcoming book, titled *Intellectual Property: Economic and Legal Dimensions of Rights and Remedies*, at a faculty workshop at Case Western Reserve

University School of Law, Cleveland, Ohio, Sept. 27, 2003

Organizer of Continuing Legal Education Program, titled “Second Annual Law and Technology Institute,” Orlando, Florida, Feb. 28, 2003

Presented paper, titled “Market Fundamentalism and the TRIPs Agreement,” at a conference titled “Patent Law, Social Policy, and Public Interest: The Search for a Balanced Global System,” Benjamin N. Cardozo School of Law, Yeshiva University, Nov. 7, 2002

Presented paper, titled “Gutenberg’s Legacy: Copyright Censorship, and Religious Pluralism,” at a conference titled “Creation, Control, and Censorship: Is Copyright an Engine of Free Expression or a Tool of Private Censorship?”, Benjamin N. Cardozo School of Law, Yeshiva University, Apr. 15, 2002

Presented paper, coauthored with Roger D. Blair and titled “Strict Liability and Its Alternatives in Patent Law,” at Conference on Reform of the Patent System, Berkeley Center for Law and Technology, Mar. 1-2, 2002

Organizer of Continuing Legal Education Program, titled “First Annual Law and Technology Institute,” Miami, Florida, Feb. 22, 2002

Presented *Gutenberg’s Legacy* at a faculty workshop at Florida State University College of Law, Jan. 2002

Organizer of Symposium on Intellectual Property, Development and Human Rights, University of Florida Fredric G. Levin College of Law, Mar. 24, 2001

Panelist, “India and the United States: Intellectual Property, International Trade and Investment Issues,” University of Florida Fredric G. Levin College of Law, Sept. 18, 2000

Presented paper, titled “The Elusive Logic of Standing Doctrine in Intellectual Property Law,” at a faculty workshop at George Mason University School of Law, Nov. 2, 1999

Presented paper, titled “An Economic Analysis of User and Seller Liability in Intellectual Property Law,” at a faculty workshop at the

University of Arizona James E. Rogers Law Center, Jan. 22, 1999

Presented paper, titled “Intellectual Property and the Essential Facilities Doctrine,” at a conference titled “Antitrust: The Cutting Edge,” University of Florida, Gainesville, Florida, Oct. 24, 1998

Presented paper, titled “An Economic Analysis of Damages Rules in Intellectual Property Law,” at the Canadian Law and Economics Association Tenth Annual John M. Olin Annual Conference in Law and Economics, Toronto, Canada, Sept. 25, 1998

Panelist, “Unifying Disciplines in Aid of Truth and Justice,” Tenth International Conference on Socio-Economics, Vienna, Austria, July 16, 1998

Co-organizer, Continuing Legal Education Program, “When Science and the Law Meet: The Uses of Scientific Evidence in the Courtroom,” Orlando, Florida, Mar. 6-7, 1998

Presented paper, titled “Conflicting Interests in Trade Secret Law,” at a Law Faculty Symposium, University of Florida College of Law, Gainesville, Florida, Oct. 24, 1997

Presented lecture, “Civil Procedure and Jurisdiction,” Florida Bar Business Litigation Certification Review Course, Orlando, Florida, Apr. 17, 1997

Presented paper, titled “Legal Pragmatism and the Law and Economics Movement,” at the Eighth International Conference on Socio-Economics, Geneva, Switzerland, July 14, 1996

Presented lecture, “Civil Procedure and Jurisdiction,” Florida Bar Business Litigation Certification Review Course, Orlando, Florida, Apr. 26, 1996

**PROFESSIONAL
HONORS AND
AWARDS:**

Article, titled *Extraterritorial Damages in Copyright Law*, 74 Florida Law Review 123 (2022), selected, as one of the best law review articles related to intellectual property law published within the last year, for inclusion in the 2022 edition of the Intellectual Property Law Review, an anthology published annually by Thomson Reuters (West)

Appointed Associate Dean for Research and Planning,
University of Minnesota Law School, 2021

Elected to membership in the American Law Institute, 2019

Innovators Network Foundation Intellectual Property Fellow,
2018-21

Awarded the Stanley V. Kinyon Chaired Teacher of the Year
Award 2010-11, University of Minnesota Law School

Draft paper, titled “Four Principles for Calculating Reasonable
Royalties in Patent Infringement Litigation,” selected as a winning
entry in the Samsung-Stanford Patent Prize competition, Nov.
2010

Named Briggs and Morgan Professor of Law, 2008 (chair renamed
Taft Stettinius & Hollister Professorship, 2020)

Awarded a Solly Robins Distinguished Research Fellowship,
University of Minnesota Law School, 2007-09

Awarded \$7,500 grant for paper titled “A Burkean Perspective on
Patent Eligibility,” at the George Washington University/Oracle
Corporation Symposium titled “What’s Ahead on Highway 101?”,
George Washington University Law School, Nov. 3, 2006

Awarded \$5,000 grant for paper titled “An Economic Analysis of
Enhanced Damages and Attorneys’ Fees for Willful Patent
Infringement,” presented at the George Washington
University/Oracle Corporation Symposium on Willful Patent
Infringement, held at the George Washington University Law
School, Mar. 19, 2004

Awarded a University of Florida Research Foundation
Professorship for the years 2000-2002, and again for 2004-06, in
recognition of distinguished record of research and scholarship

Secretary/Newsletter Editor, Association of American Law
Schools Intellectual Property Section, 1999-2001

Recipient, University of Florida Teaching Improvement Program
Award, 1998

Voted Professor of the Year by University of Florida College of
Law John Marshall Bar Association, 1997

Recipient, 1996 Ladas Memorial Award—Professional competition for writing excellence on the subject of trademarks and related matters

EDUCATION:

University of Wisconsin Law School

J.D., magna cum laude, 1987

Grade point average: 91.28

Class rank: 1/248

Senior Articles Editor, Wisconsin Law Review

Honors and awards:

Order of the Coif

Salmon W. Dalberg Prize for the outstanding graduating law student of the class of 1987

Constitutional Law Prize for outstanding achievement in constitutional law, 1987

George W. Laikin Award for outstanding student comment appearing in the Wisconsin Law Review

American Jurisprudence Awards for achievement in Conflict of Laws, Constitutional Law 2, Contracts 1, Payments Systems, Professional Responsibility, Property, and Trusts and Estates

University of Wisconsin-Madison

Master of Science (Economics), 1984

University of Wisconsin-Madison

Bachelor of Science (Economics), 1982

MEDIA APPEARANCES: ABC World News Tonight; Dallas Morning News; Forbes; Huffington Post; Law360; Minneapolis Star-Tribune; Minnesota Public Radio; National Law Journal; National Public Radio; New York Observer; Orlando Sentinel; Reuters; Washington Post; Washington Times; Wired; among others