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[http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=450090](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=450090) (SSRN)

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## **EDUCATION**

### **Harvard Law School**

Cambridge, MA

J.D., *magna cum laude* (1999)

- *Harvard Journal of Law & Technology*
- *Harvard Environmental Law Review*
- Research Assistant
  - Prof. David Rosenberg; Prof. Laurence Tribe; Berkman Center for Internet & Society

### **Florida State University**

Tallahassee, FL

M.S., Physics (1996)

- Course work in mechanics, electricity & magnetism, quantum mechanics & field theory, and statistical mechanics & thermodynamics.
- Specialized study in superstring theory and particle physics.

### **Stanford University**

Stanford, CA

A.B., with distinction, Philosophy (1992); Phi Beta Kappa

- Program in History & Philosophy of Science
- Research Assistant, Gravity Probe B Project. Assisted with experimental test of general relativity.
- Research Assistant, Stanford Sleep Disorders Clinic.

## **RESEARCH INTERESTS**

Patent law; intellectual property; law & artificial intelligence; law & logic; computational legal studies; law & entrepreneurship; empirical legal studies; law & economics; legal theory.

## **TEACHING EXPERIENCE**

### **Harvard Law School**

Cambridge, MA

2016 (winter, fall)

*Visiting Professor*

Courses: Intellectual Property & Business; Patent Law; Intellectual Property Theory

### **University of San Diego School of Law**

San Diego, CA

2009-present

*Professor (2012-), Assoc. (2011-12), Asst. (2009-11)*

Courses: Patent Law; Patent Law Theory; Patent Law Policy; IP Speaker Series; IP Theory; Patents & Innovation; IP & Business; IP/Corporate Technology Externships; Bar Exam Review.

Service: Founder & Executive Director, Center for Computation, Mathematics, and the Law (13-); Co-Director, Center for IP Law & Markets (13-); Member, Rankings Committee (14-); Member, Faculty Appointments Committee (11-); Member, Technology Committee (11-); Director, IP & Corporate Technology Externship (10-); Advisor, Student IP Law Association (10-); Student Paper Supervisor (09-); University Senate (09-11).

- Primary organizer for six years of annual, on-campus patent law conference, featuring Federal Circuit and local judges, prominent attorneys, and international and national patent law scholars.
  - Additionally, co-founded and periodically host the “The Patent Conference” (PatCon), the largest annual patent law conference for academics.
- Founded and co-direct the *IP & Corporate Technology Externship* program, which pairs students with supervising lawyers to provide pro bono corporate and IP counseling to local technology startups, inventors, artists, and musicians.
- Founded and direct the *Center for Computation, Mathematics, and the Law* (CCML).
  - In 2015, served as the Conference Chair and hosted the largest conference on artificial intelligence and law (ICAAIL); organize and host other events.

**University of California, Berkeley, School of Law**      Berkeley, CA      2008-2009  
*Ewing Marion Kauffman Research Fellow*

Course: Patent Litigation.

**University of California, Los Angeles**      Los Angeles, CA      2006  
*Instructor, Extension Program*

Course: Legal Software.

**Florida State University**      Tallahassee, FL      1995-1996  
*Instructor, Physics Department*

Courses: Introductory Physics Laboratory A & B.

### **FELLOWSHIP & CLERKSHIP**

**University of California, Berkeley, School of Law**      Berkeley, CA      2008-2009  
*Ewing Marion Kauffman Research Fellow*

**U.S. Court of Appeals for the Ninth Circuit**      Pasadena, CA      1999-2000  
*Law Clerk to the Honorable A. Wallace Tashima*

### **CITATION METRICS**

- The 1st (*Commercializing Patents*) and 2nd most-cited (*Life After Bilski*) (published since 2010) and 25th most-cited (*High Technology Entrepreneurs and the Patent System*) (published in 2005-2009) of all intellectual property law articles published in U.S. law journals (see [here](#))
- The 1st (*Commercializing Patents*) and 2nd most-cited (*Life After Bilski*) (published since 2010) and 12th most-cited (*High Technology Entrepreneurs and the Patent System*) (published in 2005-2009) of all patent law articles published in U.S. law journals (see [here](#))
- The most-cited law review article published in the *Stanford Law Review* since 2010 (as of May 2016) (according to [Google Scholar](#)) (*Commercializing Patents*)
- Of all law journal articles available on HeinOnline (as of May 2016):
  - 6th most-cited article published in 2011 (*Life After Bilski*)
  - 12th most-cited article published in 2010 (*Commercializing Patents*)
  - 21st most-cited article published in 2009 (*High Technology Entrepreneurs and the Patent System*)
- Cited by the U.S. Supreme Court in *Mayo v. Prometheus* (2012) (Breyer, J., unanimous opinion) and over 20 other judicial opinions (*Life After Bilski*)
- SSRN: 14,180 total downloads; download rank (by total downloads): #362 (law authors); #1,635 (all authors) (as of August 2016)
- Google Scholar citations: 1252 (all); 1135 (since 2011) (as of August 2016)

**JOURNAL PUBLICATIONS**

*Data-Generating Patents* (with Brenda M. Simon), 111 NORTHWESTERN UNIVERSITY LAW REVIEW (forthcoming 2017), available at <http://ssrn.com/abstract=2753547>.

*Innovation Factors for Reasonable Royalties*, 24 TEXAS INTELLECTUAL PROPERTY LAW JOURNAL (forthcoming 2017) (by invitation, symposium volume).

*Patents, Prizes, and Property*, 29 HARVARD JOURNAL OF LAW & TECHNOLOGY (forthcoming 2016) (by invitation, symposium volume).

*Focus on Economically Important Patent Applications to Enhance Patent Quality*, 2 BERKELEY TECHNOLOGY LAW JOURNAL COMMENTARIES (2016), available at <http://btlj.org/2016/03/focus-economically-important-patent-applications-enhance-patent-quality/>.

*Do Economic Downturns Dampen Patent Litigation?* (with Alan Marco and Shawn Miller), 12 JOURNAL OF EMPIRICAL LEGAL STUDIES 481 (2015), available at <http://ssrn.com/abstract=1641425>.

*Meaning is in the Mind of the Reader: A Rejoinder to Burk, Cotter, and Lemley*, 91 TEXAS LAW REVIEW SEE ALSO 15 (2014), available at <http://ssrn.com/abstract=2506740>.

*The Vonage Trilogy: A Case Study in "Patent Bullying,"* 90 NOTRE DAME LAW REVIEW 543 (2014), available at <http://ssrn.com/abstract=1856703>.

- Reprinted in PERSPECTIVES ON PATENTABLE SUBJECT MATTER (Michael B. Abramowicz et al., eds., 2014)
- Selected as a "Law Review" commentary in the annotated U.S. Code of Federal Regulations. 17 C.F.R. § 229.103 ("Legal Proceedings").

*Purging Patent Law of "Private Law" Remedies*, 92 TEXAS LAW REVIEW 517 (2014), available at <http://papers.ssrn.com/abstract=1932834>.

- Stanford-Samsung Patent Law Remedies Paper Contest winner.
- Invited responses: Dan L. Burk, *Means and Meaning in Patent Remedies*, 92 TEXAS L. REV. SEE ALSO 13 (2014); Thomas F. Cotter, *Make No Little Plans: Response to Ted Sichelman, Purging Patent Law of "Private Law" Remedies*, 92 TEXAS L. REV. SEE ALSO 25 (2014), Mark A. Lemley, *Taking the Regulatory Nature of IP Seriously*, 92 TEXAS L. REV. SEE ALSO 107 (2014).

*Commercializing Information with Intellectual Property*, 91 TEXAS LAW REVIEW SEE ALSO 35 (2014) (by invitation), available at <http://ssrn.com/abstract=2341288>.

*Patent Law Revisionism at the Supreme Court?*, 45 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 307 (2013) (symposium volume, by invitation), available at <http://ssrn.com/abstract=2297725>.

- Selected as a "Law Review Commentary" in the annotated U.S. Code. 35 U.S.C.A. § 271 ("Infringement of a Patent").

*Enforcement as Substance in Tax Compliance*, 70 WASHINGTON & LEE LAW REVIEW 1679 (2013) (with Leandra Lederman), available at <http://ssrn.com/abstract=2261507>.

- Selected as a "Law Review" commentary in the annotated U.S. Code of Federal Regulations, 17 C.F.R. § 240.10b-5 ("Employment of manipulative and deceptive devices").

*Paving the Path to Accurately Predicting Legal Outcomes: A Comment on Professor Chien's Predicting Patent Litigation*, 90 TEXAS LAW REVIEW SEE ALSO 97 (2012) (with Jay P. Kesan and David L. Schwartz) (by invitation), available at <http://ssrn.com/abstract=1987258>.

*Patents as Promoters of Competition: The Guild Origins of Patent Law in the Venetian Republic*, 49 SAN DIEGO LAW REVIEW 1267 (2012) (with Sean O'Connor) (symposium volume, by invitation), available at <http://ssrn.com/abstract=2126944>.

*Life After Bilski*, 63 STANFORD LAW REVIEW 1315 (2011) (with Mark Lemley, Michael Risch, and Polk Wagner) (symposium volume, by invitation), available at <http://papers.ssrn.com/abstract=1725009>.

- Selected as a top patent law article in 2011 for publication in the *Intellectual Property Law Review* by Thomson-Reuters/Westlaw.

*Taking Commercialisation Seriously*, 33 EUROPEAN INTELLECTUAL PROPERTY REVIEW 200 (2011) (by invitation), available at <http://papers.ssrn.com/abstract=1740614>.

*Markets for Patent Scope*, 2 IP THEORY 42 (2011) (symposium volume, by invitation), available at <http://papers.ssrn.com/abstract=1742454>.

*Commercializing Patents*, 62 STANFORD LAW REVIEW 341(2010), available at <http://ssrn.com/abstract=1395558>.

- Selected as a “Law Review” commentary in the annotated U.S. Code of Federal Regulations, 37 C.F.R. § 1.78 (“Claiming benefit of earlier filing date and cross-references to other applications”).

*Patenting by Entrepreneurs: An Empirical Study*, 17 MICHIGAN TELECOMMUNICATIONS & TECHNOLOGY LAW REVIEW 111 (2010) (with Stuart Graham), available at <http://ssrn.com/abstract=1562678>.

- Selected as a top patent law article in 2010 for publication in the *Patent Law Review* by Thomson-Reuters/Westlaw.
- Selected as a “Law Review” commentary in the annotated U.S. Code of Federal Regulations. 37 C.F.R. § 1.27 (“Definition of small entities”).
- Reprinted in part as *Patenting by High Technology Entrepreneurs*, in CREATIVITY, LAW, AND ENTREPRENEURSHIP (Shubha Ghosh ed., 2011) (with Stuart Graham).

*Myths of (Un)Certainty at the Federal Circuit*, 43 LOYOLA OF LOS ANGELES LAW REVIEW 1161 (2010) (symposium volume, by invitation), available at <http://ssrn.com/abstract=1547392>.

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, 24 BERKELEY TECHNOLOGY LAW JOURNAL 255 (2009) (with Stuart Graham, Robert Merges, and Pamela Samuelson), available at <http://ssrn.com/abstract=1429049>.

- Reprinted in INTELLECTUAL PROPERTY AND DIGITAL CONTENT (Richard Gruner ed.) (2013).

*Why Barring Settlement Bars Legitimate Suits: A Reply to Rosenberg and Shavell*, 18 CORNELL JOURNAL OF LAW & PUBLIC POLICY 57 (2008), available at <http://ssrn.com/abstract=986234>.

*Why Do Start-Ups Patent?*, 23 BERKELEY TECHNOLOGY LAW JOURNAL 1063 (2008) (with Stuart Graham) (symposium volume, by invitation), available at <http://ssrn.com/abstract=1121224>.

Book Note, 10 HARVARD JOURNAL OF LAW & TECHNOLOGY 707 (1996) (reviewing MICHAEL REISS & ROGER STRAUGHAN, IMPROVING NATURE?: THE SCIENCE AND ETHICS OF GENETIC ENGINEERING (1996)), available at <http://jolt.law.harvard.edu/articles/pdf/v10/10HarvJLTech707.pdf>.

## **BOOKS & BOOK CHAPTERS**

THE LEGACY OF WESLEY HOHFELD: EDITED MAJOR WORKS, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES (Ted Sichelman, Shyam Balganeshe & Henry Smith eds., Cambridge University Press, forthcoming 2018).

*Data Sources on Patents, Copyrights, Trademarks, and Other Intellectual Property* (with David L. Schwartz), in 2 RESEARCH HANDBOOK ON THE LAW & ECONOMICS OF INTELLECTUAL PROPERTY RIGHTS (ANALYTICAL METHODS) (Peter S. Menell & David L. Schwartz eds., forthcoming 2017), available at <http://ssrn.com/abstract=2646051>.

*Startups & The Patent System: A Narrative*, in LAW & SOCIETY PERSPECTIVES IN INTELLECTUAL PROPERTY (Deborah Halbert & William Gallagher eds., forthcoming 2017), available at <http://ssrn.com/abstract=2029098>.

*Intellectual Property and Technology Startups: What Entrepreneurs Tell Us*, in 27 ADVANCES IN THE STUDY OF ENTREPRENEURSHIP, INNOVATION AND ECONOMIC GROWTH, TECHNOLOGICAL INNOVATION: GENERATING ECONOMIC RESULTS (S. Hoskinson & M.C. Thursby eds., 2016).

*Funk Forward*, in INTELLECTUAL PROPERTY AT THE EDGE: THE CONTESTED CONTOURS OF IP (Rochelle Dreyfuss, Jane Ginsburg & Carol Rose eds., 2014), available at <http://ssrn.com/abstract=2035027>.

*Why do Entrepreneurs Patent?* (with Stuart Graham), in HANDBOOK OF LAW, INNOVATION, AND GROWTH 212-44 (Robert Litan ed., 2011).

## **WORKS IN PROGRESS**

*Revisiting Labor Mobility in Innovation Markets* (with Jonathan Barnett) (presented at 2016 American Law & Economics Conference; 2016 Workshops at Harvard, Loyola (LA), University of Southern California, and University of San Diego; 2015 Works in Progress in IP conference, 2015 USD Annual Patent Law Conference, 2014 University of Southern California School of Law Faculty Workshop), available at <http://ssrn.com/abstract=2758854>. It is widely asserted that laws that facilitate labor mobility among R&D personnel promote innovation. Two bodies of evidence have been presented in support of this view. First, recent studies purport to show empirical relationships between bans on enforcing noncompete agreements, increased employee movement, and increased innovation. We find that these studies generally misconstrue legal differences across states and otherwise are flawed, incomplete, or limited in applicability. Second, the scholarly literature has adopted a now-standard argument that California's policy against noncompetes has encouraged innovation and promoted Silicon Valley's prominence as the world's leading technology center. We show that this account overlooks multiple critical facts. Rather, fundamental technological and economic factors more persuasively account for the rise of Silicon Valley. In view of these empirical infirmities, there seems to be little compelling ground for the view that barring noncompetes and other limitations on employee mobility promotes innovation.

*Modeling Legal Modularity* (with Henry Smith) (presented at 2016 University of San Diego School of Law Faculty Colloquium; 2014 Center for Computation, Mathematics, and the Law Workshop, University of San Diego School of Law). Law employs modular structures to manage the complexity among legal actors. Property, torts, contracts, intellectual property, and doctrines in other areas of the law reduce information costs in similar ways by chopping up the world of interactions between parties into manageable chunks—modules—that are semi-autonomous. Here, borrowing from numerical measures of modularity in network theory, we offer the beginnings of a quantitative model of legal modularity.

*Retracing the Venetian Origins of Patents* (with Stefania Fusco and Toni Veneri) (presented at 2016 IP Scholars Conference; 2014 PatCon, University of San Diego School of Law; 2014 Works in Progress in IP Conference, Santa Clara Law School). Scholars have widely and consistently contended that the Patent Act of 1474 was a watershed in the history of patent law. Specifically, they have asserted that the 1474 Act erected an administrative-centered system of statutorily cabined patent grants that replaced the previous system of legislative-centered ad hoc grants, and served as a model for subsequent patent systems throughout the European continent. Based upon an extensive examination of archival material from the State Archives of Venice, we show that this view is largely incorrect—a finding that has profound implications for our understanding of the origins, migration, and development of the patent system.

*Why Do Startups Use Trade Secrets?* (with David Levine) (presented at 2014 Law & Entrepreneurship Retreat, University of Washington School of Law, 2014 Works in Progress in IP Conference) Empirical studies of the use of trade secrecy are scant, and those focusing on startups non-existent. In this paper, we present findings—drawn from the Berkeley Patent Survey—on the use of trade secrets by U.S. startup companies in the software, biotechnology, medical devices, and hardware industries.

*Does Patent Litigation Diminish R & D?* (with Shawn Miller) (presented at 2015 Works in Progress in IP conference). The overall rate of U.S. patent litigation has been growing rapidly over the past twenty



years, and recent studies estimate that the economic impact of U.S. patent litigation may now be as large as \$80 billion per year. Because patent litigation is costly, one might expect that it would diminish R & D expenditures, the very activity patents are designed to spur. Here, we supplement, extend, and test recent firm-level studies by performing macroeconomic regressions on the U.S. economy as a whole.

*Patents as Hedges* (presented at 2015 University of San Diego IP Speaker Series and Faculty Colloquium, 2015 George Mason Law School Center for Protection of Intellectual Property Law Workshop). The overriding justification offered for patents has been to optimally induce innovative technological activity by preventing free riding. Despite this free-riding premise, patent infringement has never required copying. Here, I offer a novel incentive theory of patents to explain why patents should reach wholly independent activity. Leveraging the work of Joseph Schumpeter, I argue that patents best promote innovation when used as hedges to foreclose any form of potential competition. Relatedly, I contend that the public goods explanation of patents is incomplete. Rather, innovators who are first to the market can enjoy supernormal profits without patents or other IP rights. Patents reduce the risk of competition—of which free-riding is merely one form—and, hence, the erosion of supernormal profits, thereby increasing incentives to innovate. Nonetheless, overly suppressing competition may dampen innovation. Thus, fine-tuning the nature and scope of patent rights requires a delicate balance between these competing forces.

*Predicting Obviousness* (with Ryan Holte) (presented at 2015 International Conference on AI & Law Intellectual Property Workshop; 2015 Predicting Legal Outcomes Workshop, Stanford Law School). No comprehensive empirical research has been conducted on patent law obviousness decisions following the Supreme Court's landmark decision in *KSR v. Teleflex* in 2007. In addition to analyzing historical decisions regarding obviousness using standard regression techniques, this paper extends previous AI machine learning methods to predict legal outcomes in appellate and trial courts.

*Are Patent Trolls "Opportunistic"?* (presented at 2015 PatCon, 2014 Conference on Empirical Legal Studies), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2520125](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2520125). A recent and widely received study finds that non-practicing entities (NPEs)—pejoratively known as “patent trolls”—behave opportunistically. This essay critiques this study in detail. It concludes that the authors' dataset is incomplete and unrepresentative, their theoretical model is flawed, and their empirical models are unsound. As such, neither the study's findings nor its policy prescriptions are justified.

*Trademarks as Club Goods* (with Abraham Bell) (presented at 2015 IP Scholars Conference; 2015 Works in Progress in IP). We offer an alternative justification for trademarks, namely, that they enable producers to create and police the boundaries of a “club,” the members of which are the individual promoters and users of the mark owner's products and services. Our conception of the club goods function of trademark protection sweeps in several uses that were once thought exceptional (such as so-called Veblen or “snob” goods) as well as more general theories of the expressive value trademarks. Our theory offers a counterweight to a large body of scholarship that maintains that these trademark doctrines are irredeemably overprotective and, thus, reduce overall economic welfare.

*The Mathematical Structure of the Law* (presented at 2014 Center for Computation, Mathematics, and the Law Workshop, University of San Diego School of Law, 2013 Harvard Law School Private Law Seminar, 2011 University of San Diego Faculty Colloquium, 2011 Society for Evolutionary Analysis in Law Conference). Proposes a mathematical theory of rights and legal relations, relying on the jurisprudential framework introduced by Wesley Hohfeld in the early 20th century. Offers a probabilistic model of legal relations that provides insight into the philosophical nature of law and can be applied to AI models of law to better model legal problems.

*Quantum Game Theory and Coordination in Intellectual Property* (presented at 2010 IP Scholars conference, 2009 Annual Meeting of the American Law & Economics Association, 2009 Annual Meeting of the Midwestern Law & Economics Association, and 2008 Works-in-Progress IP Conference), available at <http://ssrn.com/abstract=1656625>. Applies the new field of quantum game theory to uncertainty in intellectual property law, modifying current classical models of patent racing.

Based on this model, suggests the use of probabilistic, imperfect rights for solving coordination problems in intellectual property law.

PATENT LAW: PRINCIPLES AND PRACTICE. Executive editor and co-author of a patent law casebook that will be available in electronic and print formats on a novel distribution platform that supports full casebook customization by adopting professors.

### **OTHER INTELLECTUAL PROPERTY LAW PUBLICATIONS**

- Patent Law's Gordian Knot*, JOTWELL, July 7, 2016, <http://ip.jotwell.com/patent-laws-gordian-knot/>
- Why the (Previously) Improving Economy Likely (Also) Reduced Patent Litigation Rates*, PATENTLY-O, Sept. 13, 2015, <http://patentlyo.com/patent/2015/09/previously-improving-litigation.html>
- A Pluralistic Vision of Incentivizing Innovation*, JOTWELL, July 20, 2015, <http://ip.jotwell.com/2015/07/>
- Are There Too Many Patents To Search? – A Response*, NEW PRIVATE LAW, July 2, 2015, <https://blogs.law.harvard.edu/nplblog/2015/07/02/are-there-too-many-patents-to-search-a-response-ted-sichelman/>
- The Innovation Act's Fee-Shifting is Biased against Patent Holders and Will Likely Increase PAE Activity*, PATENTLY-O, Mar. 4, 2015, <http://patentlyo.com/patent/2015/03/counterpoint-sichelman-innovation.html>.
- Most Cited IP Law Articles over the Last 10 Years*, WRITTEN DESCRIPTION, Sept. 23, 2014, [http://writtendescription.blogspot.com/2014/09/most-cited-ip-law-articles-over-last-10\\_24.html](http://writtendescription.blogspot.com/2014/09/most-cited-ip-law-articles-over-last-10_24.html).
- Are Patent Damages Uncertain?*, JOTWELL, June 30, 2014, <http://ip.jotwell.com/are-patent-damages-uncertain/>
- Why the Government Should (Sometimes) Help Companies "Cheat" on their Taxes*, THE CONGLOMERATE, June 28, 2014, [http://www.theconglomerate.org/2014/06/why-the-government-should-sometimes-help-companies-cheat-on-their-taxes.html#disqus\\_thread](http://www.theconglomerate.org/2014/06/why-the-government-should-sometimes-help-companies-cheat-on-their-taxes.html#disqus_thread)
- The Tricky Business of Tesla's Patent "Give-Away"*, THE CONGLOMERATE, June 20, 2014, [http://www.theconglomerate.org/2014/06/the-tricky-business-of-teslas-patent-give-away.html#disqus\\_thread](http://www.theconglomerate.org/2014/06/the-tricky-business-of-teslas-patent-give-away.html#disqus_thread)
- The IP Transaction "Gap"*, THE CONGLOMERATE, June 16, 2014, [http://www.theconglomerate.org/2014/06/the-ip-transaction-gap.html#disqus\\_thread](http://www.theconglomerate.org/2014/06/the-ip-transaction-gap.html#disqus_thread)
- Stop Bashing Academics: Why Mark Lemley, Peter Menell, and Rob Merges are Highly Qualified to Teach and Write about Patent Law*, PATENTLY-O, Apr. 17, 2014, <http://patentlyo.com/patent/2014/04/sichelman-academics-qualified.html#comment-213789>.
- Patent Remedies Should Not Depend on a Patentholder's Business Model*, PATENTLY-O, Mar. 14, 2014, <http://patentlyo.com/patent/2014/03/remedies-patentholders-business.html#comment-199046>.
- Legal Analysis of Patent Claims Is Required to Determine Pervasiveness of Gene Patents*, 6 GENOME MEDICINE 14 (2014) (with Shine Tu, Christopher Holman, Adam Mossoff, Michael Risch, Jorge L. Contreras, Yaniv Heled, Gregory Dolin & Lee Petherbridge), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2402417](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2402417).
- High Court Case Could Change IP Litigation Strategies*, DAILY JOURNAL (Los Angeles & San Francisco), Nov. 12, 2012.
- 5 Things to Do Before the New Patent Law Takes Full Effect*, XCONOMY, May 2, 2012, <http://www.xconomy.com/san-degio/2012/05/02/5-things-to-do-before-new-patent-law-takes-full-effect/>

*What We Said (and Didn't Say) in the Berkeley Patent Study*, PATENTLY-O, Aug. 5, 2011 (with Robert Merges & Pam Samuelson), <http://www.patentlyo.com/patent/2011/08/guest-post-what-we-said-and-didnt-say-in-the-berkeley-patent-study.html>

*Fixing the "First Inventor to File" One-Year Grace-Period Provision of the Patent Reform Bills*, PATENTLY-O, April 12, 2011, <http://www.patentlyo.com/patent/2011/04/fixing-the-first-inventor-to-file-one-year-grace-period-provision-of-the-patent-reform-bills.html>

*Patenting by Entrepreneurs: The Berkeley Patent Survey*, PATENTLY-O, July 18-20, 2010, <http://www.patentlyo.com/patent/2010/07/patenting-by-entrepreneurs-the-berkeley-patent-survey-part-i-of-iii-1.html> (Part I), <http://www.patentlyo.com/patent/2010/07/patenting-by-entrepreneurs-the-berkeley-patent-survey-part-ii-of-iii.html> (Part II), <http://www.patentlyo.com/patent/2010/07/patenting-by-entrepreneurs-the-berkeley-patent-survey-part-iii-of-iii.html> (Part III).

*Why Bilski Benefits Startup Companies*, PATENTLY-O, June 29, 2010, <http://www.patentlyo.com/patent/2010/06/guest-post-why-bilski-benefits-startup-companies.html>.

*Are Appeals at the Federal Circuit a "Coin Flip"?*, PATENTLY-O, Apr. 9, 2010, <http://www.patentlyo.com/patent/2010/04/are-appeals-at-the-federal-circuit-a-coin-flip.html#comments>.

*Disclosing "Related Cases" at the Federal Circuit: Eli Lilly's Written Description "Secret"*, PATENTLY-O, Dec. 3, 2009, <http://www.patentlyo.com/patent/2009/12/disclosing-related-cases-at-the-federal-circuit-eli-lillys-written-description-secret.html>.

*Top 10 Patent Strategies*, THE DAILY TRANSCRIPT (San Diego), Sept. 30, 2009.

Book Review, CALIFORNIA LAWYER (May 2009) (reviewing RICHARD CAULEY, WINNING THE PATENT DAMAGES CASE: A LITIGATOR'S GUIDE TO ECONOMIC MODELS AND OTHER DAMAGE STRATEGIES (2009)), available at <http://www.callawyer.com/story.cfm?eid=901299&evid=1>.

*Drafting Patent Infringement Complaints*, 11 INTELLECTUAL PROPERTY STRATEGIST, May 2005.

*Effectively Using Partial Summary Judgment in Patent Cases*, 11 INTELLECTUAL PROPERTY STRATEGIST, Jan. 2005.

## **OTHER PUBLICATIONS**

*Hohfeld Returns to the Supreme Court*, NEW PRIVATE LAW, Apr. 29, 2016, <https://blogs.harvard.edu/nplblog/2016/04/29/hohfeld-returns-to-the-supreme-court-ted-sichelman/>

*Most-Cited Tort Law Articles Published in the Last 25 Years*, NEW PRIVATE LAW, Mar. 4, 2016, <https://blogs.harvard.edu/nplblog/2016/03/04/most-cited-tort-law-articles-published-in-the-last-25-years-ted-sichelman/>

*Fifteenth International Conference on Artificial Intelligence and Law (ICAIL 2015)*, 37 AI MAGAZINE 107 (2015) (with Katie Atkinson, Jack Conrad, and Anne Gardner), available at <http://www.aaai.org/ojs/index.php/aimagazine/article/view/2633>.

*Reinvigorating the Public-Private Law Divide: A Hohfeldian Construction of the State*, NEW PRIVATE LAW, Oct. 19, 2015, <http://blogs.law.harvard.edu/nplblog/2015/10/19/reinvigorating-the-public-private-law-divide-a-hohfeldian-construction-of-the-state-ted-sichelman/>

*Top 25 Most Cited Contract Law Articles Published in the Last 25 Years*, NEW PRIVATE LAW, Sept. 10, 2015, <http://blogs.law.harvard.edu/nplblog/2015/09/10/top-25-most-cited-contract-law-articles-published-in-the-last-25-years-ted-sichelman/>



*Top 25 Most Cited Real Property Law Articles Published in the Last 25 Years*, NEW PRIVATE LAW, June 2, 2015, <http://blogs.law.harvard.edu/nplblog/2015/06/02/top-25-most-cited-real-property-law-articles-published-in-the-last-25-years-ted-sichelman/>

*A Hohfeldian Take on the Public-Private Law Divide*, NEW PRIVATE LAW, May 15, 2015, <http://blogs.law.harvard.edu/nplblog/2015/05/15/a-hohfeldian-take-on-the-public-private-law-divide/>

*Most Cited Private Law Articles Published in the Last 25 Years*, NEW PRIVATE LAW, April 22, 2015, <http://blogs.law.harvard.edu/nplblog/2015/04/22/most-cited-private-law-articles-published-in-the-last-25-years/>

*Factors Used to Determine Whether an ERISA Fiduciary or Administrator Has Wrongfully Denied Benefits*, in STEVEN SACHER, ET AL., EMPLOYEE BENEFITS LAW (3d ed. 2010) (with Matthew Jedreski).

*Getting to the Substance*, DAILY JOURNAL (Los Angeles & San Francisco), Nov. 9, 2006 (co-author).

*3rd Circuit Splits from Other Courts on Fair Opportunity Doctrine*, DAILY JOURNAL (Los Angeles & San Francisco), July 24, 2006 (co-author).

*Circuit Splits Affect Conflicts of Authority*, DAILY JOURNAL (Los Angeles & San Francisco), June 14, 2006 (co-author).

*Circuit Splits of Interest to Business*, CHICAGO DAILY LAW BULLETIN, June 9, 2006 (co-author).

*Splits Involve Issues Affecting Business, Government, Workers*, DAILY JOURNAL (Los Angeles & San Francisco), May 18, 2006 (co-author).

*When Private Enterprise Hits Public Agencies, Splits Arise*, DAILY JOURNAL (Los Angeles & San Francisco), April 13, 2006 (co-author).

*Circuit Splits Range From Securities to Attorney Fees*, DAILY JOURNAL (Los Angeles & San Francisco), Mar. 30, 2006 (co-author).

*From Banking to Bankruptcy, Various Views Arise on Circuits*, DAILY JOURNAL (Los Angeles & San Francisco), Mar. 8, 2006 (co-author).

*Decisions Reveal Splits Over Approach to Discrimination*, DAILY JOURNAL (Los Angeles & San Francisco), Jan. 4, 2006 (co-author).

*Circuits Split on How to Test When Trademark Use is Fair*, DAILY JOURNAL (Los Angeles & San Francisco), Dec. 2, 2005 (co-author).

*Environmental, Fee Issues Bring Splits Among Circuits*, DAILY JOURNAL (Los Angeles & San Francisco), Oct. 26, 2005 (co-author).

*Circuit Splits Involve Cases On U.S. and Foreign Issues*, DAILY JOURNAL (Los Angeles & San Francisco), June 21, 2005 (co-author).

*Bankruptcy, Labor, Criminal Cases Result in Circuit Splits*, DAILY JOURNAL (Los Angeles & San Francisco), Mar. 23, 2005 (co-author).

#### **CONFERENCES & WORKSHOPS ORGANIZED**

California Patent Law Scholars Roundtable, University of San Diego School of Law (December 2016)

Wesley Newcomb Hohfeld Centennial Workshop, Yale Law School (October 2016).

Workshop on Legal Text, Document , and Corpus Analytics, University of San Diego School of Law (June 2016).

IP Speaker Series, University of San Diego School of Law (2012-present).

The Sixth Annual University of San Diego School of Law Patent Conference (January 2016).  
 International Conference on AI & Law (ICAAIL) 2015 (June 2015).  
 Predicting Legal Outcomes, Stanford Law School (May 2015).  
 The Fifth Annual University of San Diego School of Law Patent Conference (January 2015).  
 The Patent Conference 4 (PatCon4), University of San Diego School of Law (April 2014).  
 Workshop in Computation, Mathematics, and the Law, University of San Diego School of Law (Mar. 2014).  
 The Future of Patent Remedies, University of San Diego School of Law, San Diego, CA (January 2013).  
 The Patent Office Visits San Diego, University of San Diego School of Law (February 2012).  
 The Second Annual University of San Diego School of Law Patent Law Conference (January 2012).  
 SoCal IP Profs Workshop, Thomas Jefferson School of Law (May 2011).  
 The First Annual University of San Diego School of Law Patent Law Conference (December 2010).  
 SoCal IP Profs Workshop, UC Irvine School of Law (May 2010).  
 Bay Area IP & Privacy Law Research Fellows & LLMs Workshop, University of California, Berkeley, School of Law (May 2009).

### **CONFERENCE & WORKSHOP PRESENTATIONS**

*Innovation Factors for Reasonable Royalties*, IP Scholars Conference, Stanford Law School (Aug. 2016)  
*Innovation Factors for Reasonable Royalties*, George Mason University School of Law Center for Protection of Intellectual Property Summer Conference, Seattle, WA (Aug. 2016)  
*Innovation Factors for Reasonable Royalties*, University of Texas School of Law Patent Damages Conference, Austin, TX (June 2016)  
*Revisiting Labor Mobility in Innovation Markets*, American Law & Economics Association Annual Meeting, Harvard Law School (May 2016)  
*Revisiting Labor Mobility in Innovation Markets*, IP Colloquium, University of Pennsylvania School of Law (Mar. 2016)  
*Patents as Hedges*, IP Workshop, Cardozo Law School (Mar. 2016)  
*Patents, Prizes, and Property*, Intellectual Property & Private Law Conference, Harvard Law School (Mar. 2016)  
*Patents as Hedges*, Thomas Edison Innovation Fellowship Meeting, George Mason University School of Law Center for Protection of Intellectual Property, Sanibel Island, FL (Nov. 2015)  
*Revisiting Labor Mobility in Innovation Markets*, Law & Entrepreneurship Workshop, University of San Diego School of Law (Jan. 2016)  
*Patents as Hedges*, University of San Diego School of Law Annual Patent Law Conference (Jan. 2016)  
*Revisiting Labor Mobility in Innovation Markets*, Harvard Law School Faculty Workshop (Jan. 2016)  
*Patents as Hedges*, University of San Diego School of Law IP Speaker Series (Nov. 2015)  
*The Role of Academics in Policymaking in Patent Law*, Discussion Leader, Microsoft IP Academic Roundtable (Oct. 2015)

- Patents as Hedges*, University of San Diego School of Law Faculty Colloquium (Oct. 2015)
- Moderator, *Decade of Discovery*, University of San Diego School of Law (Oct. 2015)
- Patents as Hedges*, Thomas Edison Innovation Fellowship Meeting, George Mason University School of Law Center for Protection of Intellectual Property, Arlington, VA (Sept. 2015).
- Trademarks as Club Goods*, Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL (Aug. 2015) (with Abraham Bell).
- Predicting Obviousness*, International Conference on AI & Law (ICAIL), University of San Diego School of Law (June 2015) (with Ryan Holte).
- From Predictive Tennis Analytics to Predictive Legal Analytics*, Predicting Legal Outcomes Workshop, Stanford Law School (May 2015).
- Does Patent Litigation Decrease R & D?*, The Patent Conference, University of Kansas School of Law (Apr. 2015) (with Shawn Miller).
- Patents as Hedges*, Thomas Edison Innovation Fellowship Meeting, George Mason University School of Law Center for Protection of Intellectual Property, San Diego, CA (Mar. 2015).
- Does Patent Litigation Decrease R & D?*, Works in Progress in Intellectual Property (WIPIP) Conference, U.S. Patent & Trademark Office, Alexandria, VA (Feb. 2015) (with Shawn Miller).
- Revisiting Labor Mobility in Innovation Markets*, Works in Progress in Intellectual Property (WIPIP) Conference, U.S. Patent & Trademark Office, Alexandria, VA (Feb. 2015).
- Trademarks as Club Goods*, Works in Progress in Intellectual Property (WIPIP) Conference, U.S. Patent & Trademark Office, Alexandria, VA (Feb. 2015) (with Abraham Bell).
- Revisiting Labor Mobility in Innovation Markets*, 5th Annual University of San Diego School of Law Patent Law Conference (Jan. 2015).
- Commentator, Conference on Empirical Legal Studies, University of California, Berkeley, School of Law (Nov. 2014).
- Discussant, Thomas Edison Innovation Fellowship Meeting, George Mason University School of Law Center for Protection of Intellectual Property, Scottsdale, AZ (Nov. 2014).
- The Origins of Patent Law in the Venetian Republic*, Todd Inn of Court, San Diego (Oct. 2014).
- Patent Law Before the Supreme Court in 2014*, Thomson Reuters Patent Disputes Forum, San Diego, CA (Sept. 2014).
- Retracing the Venetian Origins of Patents*, Professional and Continuing Education Program, University of San Diego (July 2014).
- Do Economic Downturns Dampen Patent Litigation?*, American Law & Economics Associations Annual Meeting, University of Chicago (May 2014) (presented by Shawn Miller).
- Discussant, Software Patents Roundtable, George Mason University School of Law Center for Protection of Intellectual Property, Cape Coral, FL (May 2014).
- Discussant, CodeX Computational Law Workshop, Stanford Law School, Palo Alto, CA (May 2014).
- Retracing the Venetian Origins of Patents*, Osher Institute, University of California, San Diego (Apr. 2014).
- Retracing the Venetian Origins of Patents*, The Patent Conference 4, University of San Diego School of Law, San Diego, CA (Apr. 2014).
- Modeling Legal Modularity*, Center for Computation, Mathematics & the Law Workshop, University of San Diego School of Law, San Diego, CA (Mar. 2014) (with Henry Smith).

*The Mathematical Structure of the Law*, Center for Computation, Mathematics & the Law Workshop, University of San Diego School of Law, San Diego, CA (Mar. 2014).

*Startups & Secrecy: An Empirical Study*, Law & Entrepreneurship Retreat, University of Washington School of Law, Seattle, WA (Feb. 2014).

*Retracing the Venetian Origins of Patents*, Works in Progress in IP Conference, Santa Clara Law School, Santa Clara, CA (Feb. 2014).

*Startups & Secrecy: An Empirical Study*, Works in Progress in IP Conference, Santa Clara Law School, Santa Clara, CA (Feb. 2014) (with David Levine).

Commentator, UCLA Entertainment, Media, and Intellectual Property Colloquium Workshop, UCLA School of Law, Los Angeles, CA (Nov. 2013).

*Reflections on the America Invents Act*, Patent Law & Patent Searches, San Diego Center for Systems Biology, University of California, San Diego (Nov. 2013).

*The Vonage Trilogy: A Case Study in "Patent Bullying,"* IP Speaker Series, University of San Diego School of Law (Oct. 2013).

*Induced Infringement after Global-Tech v. SEB*, Intellectual Property Owners (IPO) webinar (Sept. 2013).

Commentator, Workshop on Empirical Patent Law, University of Illinois School of Law (Sept. 2013).

*Do Economic Downturns Dampen Patent Litigation?*, Workshop on Empirical Patent Law, University of Illinois School of Law (Sept. 2013).

*Patents as Promoters of Competition: The Guild Origins of Patent Law in The Venetian Republic*, International Society for the History and Theory of Intellectual Property, Université Paris Diderot, France (June 2013).

*Enforcement as Substance in Tax Compliance*, The Gruter Institute Annual Conference, Squaw Valley, California (May 2013).

*Quantifying Legal Entropy*, The Gruter Institute Annual Conference, Squaw Valley, California (May 2013).

*Minding Patent Infringement*, The Patent Conference 3, Chicago-Kent School of Law (April 2013).

*Minding Patent Infringement*, Patents, Innovation & Freedom to Use Ideas, Loyola of Chicago Law School (April 2013).

*Purging Patent Law of Private Law Remedies*, IP Speaker Series, University of San Diego School of Law (April 2013).

*Patents as Promoters of Competition: The Guild Origins of Patent Law in The Venetian Republic*, Faculty Colloquium, University of San Diego School of Law (November 2012).

*Minding Patent Infringement*, Works in Progress in Intellectual Property conference, Seton Hall Law School, Newark, NJ (February 2013).

*The Mathematical Structure of the Law*, Private Law Workshop, Harvard Law School, Cambridge, MA (February 2013).

*Purging Patent Law of Private Law Remedies*, DePaul University College of Law, Chicago, IL (February 2013).

*Purging Patent Law of Private Law Remedies*, Washington University in St. Louis School of Law, St. Louis, MO (February 2013).

*Purging Patent Law of Private Law Remedies*, The Future of Patent Remedies, University of San Diego School of Law, San Diego, CA (January 2013).

*Purging Patent Law of Private Law Remedies*, Solutions to the Software Patent Problem, Santa Clara University School of Law, Santa Clara, CA (November 2012).

*Purging Patent Law of Private Law Remedies*, UCLA Entertainment, Media, and Intellectual Property Colloquium Workshop, UCLA School of Law, Los Angeles, CA (November 2012).

*Patents as Promoters of Competition: The Guild Origins of Patent Law in The Venetian Republic*, Qualcomm, Inc., San Diego, CA (November 2012).

*Intellectual Property Rights*, World Resources Sim Center, High Noon Lunch Series, San Diego, CA (August 2012).

*Patents as Promoters of Competition: The Guild Origins of Patent Law in The Venetian Republic*, IP Scholars Conference, Stanford Law School (August 2012).

*The Patent Wars*, Osher Institute, University of California, San Diego (August 2012).

*How the New Patent Law Affects Engineers*, San Diego IEEE, San Diego, CA (July 2012).

*A Panel Discussion Markets for Patent Scope*, Patent Conference 2, Boston College Law School (May 2012).

*Patents as Promoters of Competition: The Guild Origins of Patent Law in The Venetian Republic*, Foundations of Intellectual Property Conference, University of San Diego School of Law (May 2012).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, AIPLA Electronic and Computer Patent Law Summit, University of San Diego School of Law (April 2012).

*Funk Brothers' Myriad Failures*, Intellectual Property at the Edge Conference, Columbia University School of Law (April 2012).

*Moral Coaxing*, International Conference on Contract Law, Thomas Jefferson School of Law, San Diego, CA (March 2012) (presented by Jordan Barry).

*The Transition from First to Invent to First Inventor to File*, IP Counsel Forum, San Jose, CA (March 2012).

*Communities of Innovation: A Critique*, Law & Entrepreneurship Retreat, Indiana University School of Law (February 2012).

*Third Party Participation in the America Invents Act*, The Patent Office Visits San Diego, University of San Diego School of Law (February 2012).

*Purging Patent Law of Private Law Remedies, IP In the Trees Speakers' Series*, Lewis & Clark School of Law, Portland, OR (January 2012).

*Some Reflections (and a Suggestion) on the America Invents Act*, The Second Annual University of San Diego School of Law Patent Law Conference (January 2012).

*Measured Tax Enforcement*, University of San Diego School of Law Faculty Colloquium (December 2011).

*The America Invents Act and Patent Examination*, Medical Device Technology Partnership Meeting, U.S. Patent & Trademark Office, Washington, DC (November 2011).

*Purging Patent Law of Private Law Remedies*, Faculty Workshop, George Washington University Law School, Washington, DC (November 2011).

*Startups & The Patent System: A Narrative*, Law & Society Perspectives on Intellectual Property, Golden Gate University Law School, San Francisco, CA (November 2011)

*Patent Reform Legislation Has Been Enacted – Now What?*, RPX Fall Conference, Palo Alto, CA (October 2011).



*Purging Patent Law of Private Law Remedies*, Faculty Workshop, Northwestern Law School (September 2011).

*Commercialization of IP and the America Invents Act of 2011*, IP Seminar: Assets, Licensing and Pooling, UNLV School of Law (September 2011).

*Purging Patent Law of Private Law Remedies*, IP Scholars Conference, DePaul Law School (August 2011).

*Proving “Comparable” Licensing Rates in Reasonable Royalty Determinations*, Licensing Executives Society Meeting, Fenwick & West, Mountain View, CA (May 2011)

*The Mathematical Structure of Legal Rights*, Program on Law & Computation, University of Houston Law School (April 2011).

*Minding Patent Infringement*, The Patent Conference, University of Kansas School of Law (April 2011).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, NYU School of Law, Innovation Workshop (March 2011).

Panelist, *A New Standard for Inducing Infringement?*, Webinar, Intellectual Property Owners (IPO) IP Chat Channel (February 2011).

*Law Students Working for Startups*, TI:GER Graduate Education in Technology Commercialization, Georgia Tech College of Management (February 2011).

*Purging ‘Private Law’ from Patent Law Remedies*, Stanford-Samsung Patent Law Remedies Conference, Stanford Law School (February 2011).

*The Mathematical Structure of Legal Rights*, Society for Evolutionary Analysis in Law Annual Meeting, Loyola of Los Angeles Law School (February 2011).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, University of Southern California, Marshall School of Business (February 2011).

*Life After Bilski*, The Future of Patents: Bilski and Beyond, Stanford Law School (presented by Mark Lemley) (January 2011).

*Minding Patent Infringement*, Intellectual Property Workshop, UC Hastings School of Law (January 2011).

*Do Economic Downturns Dampen Patent Litigation?*, Empirical Studies in Intellectual Property Conference, University of San Diego School of Law (December 2010).

*Do Economic Downturns Dampen Patent Litigation?*, Empirical Studies in Patent Litigation Workshop, Northwestern Law School (November 2010).

*Commentator*, SoCal IP Profs Fall Colloquium, UCLA Law School (November 2010)

*Do Economic Downturns Dampen Patent Litigation?*, Conference on Empirical Studies, Yale Law School (presented by Alan Marco) (November 2010).

*Bilski & Patentable Subject Matter*, University of Southern California Law School, IP Law Student Association (October 2010).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Whittier Law School (October 2010).

*Do Economic Downturns Dampen Patent Litigation?*, IP Colloquium, University of Virginia Law School (October 2010).

*Fuzzy Taxes*, Midwest Law & Economics Association Conference, University of Colorado School of Law (October 2010).

*Do Economic Downturns Dampen Patent Litigation?*, Faculty Workshop, University of Illinois School of Law (October 2010).

*Markets for Patent Scope*, Conference on “The Complex Economics of Patent Scope,” University of Indiana School of Law (September 2010).

*Probabilistic Patent Races*, IP Scholars Conference, University of California, Berkeley, School of Law (August 2010).

*Do Entrepreneurs Read Patents?*, Workshop on Technical Disclosure, Boston University Law School (June 2010).

*Quantum Game Theory and Cooperation in Intellectual Property*, Center for Law & Economics Workshop, University of Southern California Law School (April 2010).

*Patenting by Entrepreneurs: An Empirical Study*, Junior Scholars in Intellectual Property, Michigan State University School of Law (April 2010).

*Bilski & Patentable Subject Matter*, University of Southern California Law School, IP Law Student Association (March 2010).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Boston University Law School (March 2010).

*Do Economic Downturns Dampen Patent Litigation?*, IP Scholars Roundtable, Drake University Law School, Des Moines, Iowa (March 2010).

*Do Economic Downturns Dampen Patent Litigation?*, IP Counsel Forum, San Jose, CA (March 2010).

*The Mathematical Structure of Legal Rights*, University of San Diego School of Law Colloquium (January 2010).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Colorado Bar Association, Intellectual Property Section, Denver (January 2010).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Bar-Ilan Law School, Tel-Aviv, Israel (January 2010).

*Commercializing Patentable Subject Matter*, The Future of Subject Matter Eligibility After *In re Bilski*, Bar-Ilan Law School, Tel-Aviv, Israel (January 2010).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Conference on Empirical Legal Studies, University of Southern California Law School (November 2009).

*Empirical Studies of Patent Litigation*, Northwestern Law School (discussant) (November 2009).

*Myths of (Un)Certainty at the Federal Circuit*, The Federal Circuit as an Institution, Symposium, Loyola of Los Angeles Law School (November 2009).

*The Legality of “Rogue” Bots: MDY Industries v. Blizzard Entertainment*, American Bar Association Webinar (moderator) (October 2009).

*The “Entrant’s Dilemma”: Patent Cross Licensing & Startup Innovation*, Patent Cross Licensing: Academic and Practical Perspectives, UC Berkeley School of Law (October 2009).

*Quantum Game Theory and Cooperation in Intellectual Property*, Annual Meeting of the Midwestern Law & Economics Association, Notre Dame Law School (October 2009).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Works in Progress in Intellectual Property, Seton Hall Law School (October 2009).

*Patent Law Colloquium*, Santa Clara Law School (discussant) (September 2009).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, West Coast Research Symposium, University of Washington School of Law (September 2009).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Hosier Scholars Series, DePaul Law School (September 2009).

*Patent Bullies: How Industry Incumbents Abuse the Patent System*, Conference on Innovation and Communication Law, Louisville Law School (August 2009).

*Patent Bullies: How Industry Incumbents Abuse the Patent System*, Intellectual Property Scholars Conference, Cardozo Law School (August 2009).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, National Bureau of Economic Research, Intellectual Property Summer Session, Boston (July 2009).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Kauffman Foundation Summer Legal Institute, Dana Point, California (July 2009).

*Commercializing Patents*, Annual Conference of the International Society for New Institutional Economics, University of California, Berkeley (June 2009).

*The Vonage Trilogy: A Case Study in "Patent Bullying,"* Patents and Entrepreneurship in Business and Information Technologies, George Washington University (June 2009).

*Patenting by Entrepreneurs: An Empirical Study*, The Economics and Law of the Entrepreneur, Searle Center, Northwestern University School of Law (with Stuart Graham) (June 2009).

*Patent Bullies: How Industry Incumbents Abuse the Patent System*, Law & Society Association Annual Meeting, Denver (May 2009).

*Quantum Game Theory and Cooperation in Intellectual Property*, Annual Meeting of the American Law & Economics Association, University of San Diego School of Law (May 2009).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, San Diego Intellectual Property Law Association (May 2009).

*The 2008 Kauffman-Berkeley Patent Survey: Why Do Entrepreneurs Patent (And Not)?* Creativity, Law and Entrepreneurship Workshop, Institute for Legal Studies, University of Wisconsin Law School (with Stuart Graham) (April 2009).

*High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey*, Centers & Clinics Research Workshop, UC Berkeley School of Law; Graduate Education in Technology Commercialization Workshop, Georgia Tech School of Management (April 2009).

*Commercializing Patents*, Junior Scholars in Intellectual Property, Michigan State University School of Law (March 2009).

Royalty Stacking Roundtable, University of San Diego School of Law (discussant) (March 2009).

*How (and Why) are US Entrepreneurs Using Patents? Evidence from the 2008 Kauffman-Berkeley Patent Survey*, Innovation Seminar, Haas School of Business, UC Berkeley (with Stuart Graham) (February 2009).

*Commercializing Patents*, Faculty Workshops at Benjamin Cardozo Law School, Boston University Law School, Emory Law School, Seattle University Law School, SMU Dedman Law School, Thurgood Marshall Law School, University of Houston Law School, University of Miami Law School, University of Oregon Law School, and University of San Diego Law School (November-December 2008).

*The Kauffman-UC Berkeley Entrepreneurial Companies Litigation & Licensing Survey*, 2008 Kauffman Symposium on Entrepreneurship and Innovation Data, Washington, D.C. (presented by Stuart Graham) (November 2008).

*Quantum Game Theory and Cooperation in Intellectual Property*, 2008 Works-in-Progress IP Conference, Tulane Law School (October 2008).

*Some (Very) Preliminary Results of the 2008 UC Berkeley Patents & Entrepreneurship Survey*, Bay Area IP Professors, Stanford Law School (presented with Stuart Graham) (September 2008).

*The Commercialization Interest in Intellectual Property Law*, IP Scholars Conference 2008, Stanford Law School (August 2008).

*The Kauffman-UC Berkeley Entrepreneurial Companies Litigation & Licensing Survey*, Kauffman Foundation Data Symposium Workshop, National Science Foundation, Arlington, VA (July 2008).

*Benefit Disputes after MetLife v. Glenn: What's the Standard of Review?* American Bar Association, Live Webcast (July 2008).

*The Role of Centers in Multidisciplinary Curricula*, Kauffman Foundation Workshop on Technology Entrepreneurship and Commercialization, Georgia Tech University (May 2008).

*Recent U.S. Supreme Court and Federal Circuit Patent Cases*, Irell & Manella, Los Angeles, CLE course (Summer 2006).

*Drafting Subpoenas in State & Federal Court*, Irell & Manella, Los Angeles, CLE course (Fall 2005).

Numerous presentations at venture capital events, including VentureNet, Growth Capital, UCSD Connect, LARTA Institute, Los Angeles Venture Association (LAVA), Los Angeles Business Technology Center, Keiretsu Forum, Tech Coast Angels, Pasadena Angels, and Sand Hill Angels (2001-03).

## **LEGAL & BUSINESS EXPERIENCE**

### **Academic Expert Group, LLC & Other Clients**

San Diego, CA

2009-Present

#### *Consultant*

Provide part-time expert analysis, consulting services, patent litigation data, and statistical reports to law firms, patent holders, patent challengers, business analysts, and others on a part-time basis.

- Performed confidential two-year patent litigation data collection and analysis project for a publicly traded company.
- Managed and negotiated sale of patent portfolio for a medical device company.
- Conducted confidential prior art analysis for a company in the Voice over IP (VoIP) space.
- Served as a patent law expert (under protective orders) for litigants in overseas patent infringement cases involving wireless technologies.
- Developed strategies and drafted a confidential business plan for a company planning to challenge third-party patents at the USPTO.
- Developing and assisting in the launch of electronic casebook platform.
- Performing data analytics for various professional athletes.

### **Heller Ehrman LLC**

San Francisco, CA

2007-2008

#### *Associate*

Practiced in the intellectual property litigation, appellate, and venture law groups, handling patent litigation, federal court appeals, and IP transactions & counseling.

Representative matters included:

- *General Electric v. SonoSite* (W.D. Wis.). Represented an early-stage company, SonoSite, in a patent infringement action involving ultrasound technology.
- Analyzed the impact of *Verizon v. Vonage* on a start-up client for potential venture capital investors.
- Confidential counseling on IP portfolio development for an early-stage software company.

**Irell & Manella LLP**

Los Angeles, CA

2004-2006

*Associate*

Practiced in the litigation, intellectual property, and appellate groups, handling patent litigation, state & federal court appeals, and IP transactions & counseling.

Representative matters included:

- *Net2Phone v. eBay/Skype* (D.N.J.) and *Peer Communications v. eBay/Skype* (E.D. Tex.). Represented Skype in patent litigation involving its Voice over IP (VoIP) technology.
- *Biosense Webster v. Endocardial Solutions* (C.D. Cal.), a patent action between subsidiaries of Johnson & Johnson and St. Jude Medical involving heart mapping systems.

**Unified Dispatch, Inc. (UDI)**

Los Angeles, CA

2001-2004

*Founder & CEO*

Founded and ran a software and services company providing voice recognition and call center systems to the ground transportation industry.

- Raised three rounds of financing from leading venture capital and angel investment groups.
- Lead inventor on patent and patent application, “Automated Transportation Call-Taking System.”
- Managed intellectual property, including patents, copyrights, and trademarks.

**1-800-TAXICAB, Inc.**

Los Angeles, CA

1999-2001

*Co-Founder & President*

Founded a national referral network for taxi service, which routes callers who dial into the toll-free number 1-800-TAXICAB to local taxi companies.

- Raised initial financing from angel groups and private investors.
- Hired and managed sales team, engineers, and office staff.
- Participated in drafting and negotiation of articles, stockholders’ agreement, options plan, employment agreements, IP licensing agreements, and term sheets.

**McDermott, Will & Emery**

Miami, FL

1999 (Summer)

**Cravath, Swaine & Moore**

New York, NY

1998 (Summer)

**Limbach & Limbach**

San Francisco, CA

1997 (Summer)

**PRO BONO MATTERS & SERVICE**

Co-drafted letter to Congress from 28 academics expressing concern with pending bill proposing to restrict available venues in patent cases (2016), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2816062](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2816062).

Submitted comment to the U.S. Patent & Trademark Office providing suggestions to improve patent quality (2015),

[http://www.uspto.gov/sites/default/files/documents/2015quality\\_f\\_sichelman\\_06may2015.pdf](http://www.uspto.gov/sites/default/files/documents/2015quality_f_sichelman_06may2015.pdf).

Co-drafted letter to Congress from 40 academics opposing patent reform bills and describing weaknesses in empirical studies cited in favor of reform (2015), <http://cpip.gmu.edu/wp-content/uploads/2015/03/Economists-Law-Prof-Letter-re-Patent-Reform.pdf>.

Served on Lieutenant Governor of California’s task force on bringing a satellite patent office to California. Assisted in drafting a comment to the U.S. Patent & Trademark Office (2012).

At the request of San Diego CONNECT, an incubator for startups, drafted proposed statutory language for the America Invents Act of 2011 for California Representative Zoe Lofgren (2011).

*Global-Tech Appliances, Inc. v. SEB S.A.*, 131 S. Ct. 2060 (2011). Drafted amicus brief

(<http://papers.ssrn.com/abstract=1734376>) in an important Supreme Court case regarding the appropriate level of scienter for indirect patent infringement, canvassing nearly 150 years in precedent.



Founded *SoCal IP Profs*, a group of law, economics, and business professors in Southern California who write in the areas of innovation and intellectual property who meet and present regularly at member schools. (Spring 2010-present)

*Bilski v. Kappos*, 130 S. Ct. 3218 (2010). Assisted in drafting an amicus brief ([http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1485043](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1485043)) in a significant Supreme Court case addressing the boundaries of patentable subject matter, including the patentability of business methods. The Court ultimately adopted much of the reasoning in the brief.

*MetLife v. Glenn*, 554 U.S. 105 (2008). Played leading role in an ERISA case decided in our client's favor by the U.S. Supreme Court.

*Kobs v. United Wisconsin Life Ins. Co.*, 546 U.S. 1033 (2005). Drafted and filed petition for certiorari and reply brief for an injured employee in an ERISA action.

*Pasquantino v. United States*, 544 U.S. 349 (2005). Co-drafted merits-stage reply brief and performed research in a U.S. Supreme Court case on behalf of petitioners indicted under the Wire Fraud Act.

*Kennedy v. Long Term Disability Plan for Empl. of Huntington Banc*, 162 Fed. Appx. 578, 579 (6th Cir. 2006). Drafted and filed petition for rehearing en banc in an ERISA case.

*Aguinda v. Texaco, Inc.*, 303 F.3d 470 (2d Cir. 2002). Performed legal research for plaintiff class in an action against Texaco for its pumping of contaminated crude oil into the Ecuadorian rainforest.

Advisory Board Member, Blue Seals (an environmental non-profit working to protect ocean life).

## **MEDIA COVERAGE**

Dennis Crouch, *Letter to Congress from 28 Law Professors & Economists Urging Caution on the VENUE Act*, PATENTLY-O, Aug. 1, 2016, <http://patentlyo.com/patent/2016/08/congress-professors-economists.html> (reporting on co-authored letter to Congress regarding a proposed bill to restrict available venues in patent actions).

Kelly Knaub, *Patent Suit Limits Would Aid Tech Giants, Say Profs*, LAW360, Aug. 2, 2016, <http://www.law360.com/articles/824140/patent-suit-limits-would-aid-tech-giants-say-profs> (reporting on co-authored letter to Congress regarding the VENUE Act).

Joseph Marks, *Group of Academics Voice Opposition to Patent Venue Bill*, PATENT TRADE & COPYRIGHT JOURNAL – DAILY EDITION, Aug. 2, 2016 (reporting on co-authored letter to Congress regarding the VENUE Act).

Michael Loney, *Getty, The Week in IP*, MANAGING INTELLECTUAL PROPERTY, Aug. 2, 2016, <http://www.managingip.com/Blog/3575593/Getty-top-patent-practitioner-companies-Donald-Trump-venue-reform-Stephen-Colbert-the-week-in-IP.html> (reporting on co-authored letter to Congress regarding the VENUE Act).

Timothy B. Lee, *Massachusetts Just Stole an Important Page from Silicon Valley's Playbook*, VOX.COM, July 1, 2016, <http://www.vox.com/2016/4/12/11349248/noncompetes-silicon-valley-route-128> (quoting my views on noncompete agreements related to my work in *Revisiting Labor Mobility in Innovation Markets*).

Dennis Crouch, *James Daily: An Empirical Analysis of Some Proponents and Opponents of Patent Reform*, Mar. 8, 2016, <http://patentlyo.com/lawjournal/2016/03/empirical-proponents-opponents.html> (commenting on a study examining my co-authored letter to Congress regarding empirical studies in patent law).

David Pridham & Brad Sheafe, *The Top 10 Reasons Why Your Startup Needs Patents*, FORBES, Aug. 18, 2015, <http://www.forbes.com/sites/forbesleadershipforum/2015/08/18/the-top-10-reasons-why-your-startup-needs-patents/> (discussing *Patenting by Entrepreneurs* article).

Lisa Larrimore Ouellette, *Janet Freilich vs. Ted Sichelman on Patent Searching*, WRITTEN DESCRIPTION, July 3, 2015, <http://writtendescription.blogspot.com/2015/07/janet-freilich-vs-ted-sichelman-on.html> (discussing a debate on patent searching on the *New Private Law* blog).

Michael Risch, *Only Patent Owners Are Despicable Enough to Pierce the Corporate Veil*, IPWATCHDOG, June 21, 2015, <http://www.ipwatchdog.com/2015/06/21/only-patent-owners-are-despicable-enough-to-pierce-the-corporate-veil/id=58918/> (discussing *Patently-O* post on fee-shifting).

Daniel Spulber, *The Future of Patents and the Fork in the Road*, IPWATCHDOG, March 22, 2015, <http://www.ipwatchdog.com/2015/03/22/the-future-of-patents-and-the-fork-in-the-road/id=55950/> (discussing *High-Technology Entrepreneurs and the Patent System*).

*Economists, Law Professors Argue Proposed Patent Reforms Based on 'Flawed, Unreliable' Data*, WASHINGTON EXAMINER, March 11, 2015, <http://www.washingtonexaminer.com/economists-law-professors-argue-proposed-patent-reforms-based-on-flawed-unreliable-data/article/feed/2175780> (describing co-drafted letter to Congress opposing patent reform).

Peter Fricke, *Top Economists, Conservative Activists Warn Congress Not To Mess With Patents*, DAILY CALLER, March 11, 2015, <http://dailycaller.com/2015/03/11/top-economists-conservative-activists-warn-congress-not-to-mess-with-patents/> (describing co-drafted letter to Congress opposing patent reform).

Sheri Qualters, *Professors Issue Conflicting Views of Patent Reform*, NATIONAL LAW JOURNAL, March 11, 2015, <http://www.nationallawjournal.com/id=1202720328088/Professors-Issue-Conflicting-Views-of-Patent-Reform?slreturn=20150823122410> (describing co-drafted letter to Congress opposing patent reform).

*Conservatives increase pressure on congressional Republicans to block patent reform*, WASHINGTON TIMES, March 11, 2015, <http://www.washingtontimes.com/news/2015/mar/11/conservatives-increase-pressure-congressional-repu/> (describing co-drafted letter to Congress opposing patent reform).

John Eggerton, *Senate Judiciary Schedules Patent Reform Hearing*, BROADCASTING & CABLE, March 11, 2015, <http://www.broadcastingcable.com/news/washington/senate-judiciary-schedules-patent-reform-hearing/138686> (describing co-drafted letter to Congress opposing patent reform).

Gene Quinn, *Professors Urge Caution on Patent Reform*, IP WATCHDOG, March 10, 2015, <http://www.ipwatchdog.com/2015/03/10/professors-urge-caution-on-patent-reform/id=55619/> (describing co-drafted letter to Congress opposing patent reform).

Dennis Crouch, *Professor-to-Professor: You Are Wrong about Patent Reform*, PATENTLY-O, March 10, 2015, <http://patentlyo.com/patent/2015/03/professor-patent-reform.html> (describing co-drafted letter to Congress opposing patent reform).

Michael Risch, *Dueling Patent Reform Letters to Congress*, WRITTEN DESCRIPTION, March 10, 2015, <http://writtendescription.blogspot.com/2015/03/dueling-patent-reform-letters-to.html> (describing co-drafted letter to Congress opposing patent reform).

Michael Loney, *Apple, Samsung, Hall & Oates, USPTO, Under Armour, Patent Reform – This Week in IP*, MANAGING INTELLECTUAL PROPERTY, March 6, 2015, <http://www.managingip.com/Blog/3433998/Apple-Samsung-Hall-and-Oates-USPTO-Under-Armour-patent-reform-the-week-in-IP.html> (discussing post on *Patently-O* examining fee-shifting provisions in the pending Innovation Act).

- Daniel Spulber, *The Innovation Act Will Harm Income, Employment, and Economic Growth*, IPWATCHDOG, Feb. 24, 2015, <http://www.ipwatchdog.com/2015/02/24/the-innovation-act-will-harm-income-employment-and-economic-growth/id=55035/> (discussing *High-Technology Entrepreneurs and the Patent System*).
- David Seto, *Networking Do's and Don'ts*, SAN DIEGO LAWYER, Sept./Oct. 2014, <https://www.sdcba.org/index.cfm?pg=store&sa=ViewDetails&ItemID=12285&cat=291> (recounting advice on “job searching” for law students).
- Aparajita Lath, *Expired Patents, Injunctions and Commercialization*, SPICY IP, May 8, 2014, <http://spicyip.com/2014/05/expired-patents-injunctions-and-commercialization.html> (discussing *Commercializing Patents* article).
- J.B. Ruhl, *Racing with the Legal Computation Machine at the Inaugural Center for Computation, Mathematics, and the Law Workshop*, LAW2050.COM, March 24, 2014, <http://law2050.com/2014/03/24/racing-with-the-legal-computation-machine-at-the-inagural-center-for-computation-mathematics-and-the-law-workshop/> (reporting on inaugural law & computation workshop).
- Jackie Hutter, *Do Startups Need Patents? Rigorous Study Presents Real Data on Startup Company Patenting Behavior*, IPSTRATEGY.COM, March 5, 2014, <http://ipstrategy.com/2014/03/05/do-startups-need-patents-rigorous-study-presents-real-data-on-startup-company-patenting-behavior/> (reporting on *High-Technology Entrepreneurs* article).
- Doug Sherwin, *Educators Debate Relevance of Bar Exam*, SAN DIEGO DAILY TRANSCRIPT, Dec. 9, 2013, <http://www.sddt.com/news/article.cfm?SourceCode=20131209czn&t=Educators+debate+relevance+of+bar+exam#.UqeAmPRDs1I> (quoting from an interview on the relevance of the bar examination to legal practice).
- Jason Rantanen, *Loyola Law Journal – Panel #2: Shortcomings in the Patent System*, PATENTLY-O, Apr. 11, 2013, <http://patentlyo.com/patent/2013/04/loyola-law-journal-panel-2-shortcomings-in-the-patent-system.html> (reporting on presentation of *Patent Law Revisionism at the Supreme Court?*).
- Kevin Flannery & Joseph R. Heffern, *SHIELD Act May Be a Double-Edged Sword; Intellectual Property*, THE LEGAL INTELLIGENCER, Oct. 8, 2012, <http://www.thelegalintelligencer.com/id=1202573745471/SHIELD-Act-May-Be-a-DoubleEdged-Sword?slreturn=20150823125049> (relying on findings from *Myths of (Un)certainity at the Federal Circuit*).
- Marina Krakovsky, *Patently Inadequate*, 55 COMMUNICATIONS OF THE ACM 18 (July 2012), <http://cacm.acm.org/magazines/2012/7/151237-patently-inadequate/fulltext> (quoting from an interview on the America Invents Act).
- Cameron Leigh James, *Local Law Schools Seek to Arm Students with Real World Experience*, SAN DIEGO DAILY TRANSCRIPT, May 1, 2012, [http://www.sddt.com/reports/article.cfm?RID=918&SourceCode=20120501crb&t=Local+law+school+s+seek+to+arm+students+with+real+world+experience#.Uqebl\\_RDs1I](http://www.sddt.com/reports/article.cfm?RID=918&SourceCode=20120501crb&t=Local+law+school+s+seek+to+arm+students+with+real+world+experience#.Uqebl_RDs1I) (describing USD's Technology Entrepreneurship and IP Clinics).
- Mandy Jackson, *Generics Benefit from Patent Law*, LOS ANGELES DAILY JOURNAL, Feb. 7, 2012 (quoting from an interview on post-grant patent challenges under the America Invents Act).

*Students Helping Startups*, SAN DIEGO DAILY TRANSCRIPT, Jan. 31, 2012, <http://www.sddt.com/reports/article.cfm?RID=889&SourceCode=20120131cra&t=Students+helping+startups#.UqeAtfRDs1I> (reporting on USD's Technology Entrepreneurship Clinic).

Tony Dutra, *Patent Prosecutors, Examiners Try to Bridge Issues at Medical Device Partnership Meeting*, 83 PAT. TRADEMARK & COPYRIGHT J. (BNA) 139 (Dec. 2, 2011) (describing presentation to U.S. Patent & Trademark Office medical device examiners).

David Goldman, *Will Patent Reform Really Create 200,000 Jobs?*, CNN MONEY, Sept. 8, 2011, [http://money.cnn.com/2011/09/08/technology/patent\\_reform\\_jobs/index.htm](http://money.cnn.com/2011/09/08/technology/patent_reform_jobs/index.htm) (reporting on *High-Technology Entrepreneurs* article).

Tony Dutra, *Briefing Completed for High Court Review of Standard for Induced Patent Infringement*, 81 PAT. TRADEMARK & COPYRIGHT J. (BNA) 453 (Feb. 11, 2011) (discussing amicus brief filed in *Global-Tech v. SEB*).

Doug Sherwin, *Panel: Legislators Not Best Ones to Reform Patent System*, SAN DIEGO DAILY TRANSCRIPT, Jan. 19, 2011, <http://www.sddt.com/Search/article.cfm?SourceCode=20110119cra#> (reporting on a panel addressing recent topics in intellectual panel).

*Former Appeals Court Chief Judge Cites PTO Backlog as Key to Economic Recovery*, CONNECT POLICY ENEWS, Aug. 24, 2010 (reporting on *High-Technology Entrepreneurs* article).

Peter Zura, *How Do Economic Downturns Affect Patent Litigation?*, THE 271 BLOG, Aug. 10, 2010, <http://271patent.blogspot.com/2010/08/how-do-economic-downturns-affect-patent.html> (reporting on *Economic Downturns* paper).

Vivek Wadhwa, *Why We Need To Abolish Software Patents*, PLUGGD.IN, Aug. 10, 2010, <http://www.pluggd.in/abolish-software-patents-297> (citing statistics from and referencing *High-Technology Entrepreneurs* article).

Paul R. Michel & Henry R. Nothhaft, *Inventing Our Way Out of Joblessness*, N.Y. TIMES, A23, Aug. 6, 2010, <http://www.nytimes.com/2010/08/06/opinion/06nothhaft.html> (citing statistics from and referencing *High-Technology Entrepreneurs* article).

Tony Dutra, *Berkeley Survey, House Committee Delve into Tie Between IP and Entrepreneurship*, 80 PAT. TRADEMARK & COPYRIGHT J. (BNA) 421 (July 30, 2010) (describing presentation of *Patent Bullies* at George Washington School of Law conference).

Mandy Jackson, *Clinic Pairs Students with Start-Ups*, DAILY JOURNAL, May 21, 2010 (describing the Technology Entrepreneurship Law Clinic at USD).

*USD, Connect Launch Law Clinic for Technology Startups*, SAN DIEGO DAILY TRANSCRIPT, Apr. 30, 2010, <http://www.sddt.com/Law/article.cfm?SourceCode=20100430czc&t=USD+Connect+launch+law+clinic+for+technology+startups#.UqeIdRDs1I> (announcing the launch of the Technology Entrepreneurship Clinic).

Alison Frankel, *Law Review Shocker: Prof Says Federal Circuit Is Not 'Overly Unpredictable'*, AMERICAN LAWYER, April 12, 2010, <http://www.americanlawyer.com/id=1202447926460/Law-Review-Shocker:-Prof-Says-Federal-Circuit-Is-Not-%27Overly-Unpredictable%27?slreturn=20140828020839>.

Tony Dutra, *Experts: Patent 'Bullying' Hurts Innovation as Much as Non-Practicing Patent Trolls*, 78 PAT. TRADEMARK & COPYRIGHT J. (BNA) 421 (June 19, 2009) (discussing *High-Technology Entrepreneurs* article).

*U.S. Supreme Court: ERISA Insurer's Dual Role Creates Conflict Of Interest*, MEALEY'S LITIGATION REPORT: ERISA (July 2008) (discussing involvement in *MetLife v. Glenn*).

*Claimant, United States Say Conflict Of Interest Must Be Weighed*, MEALEY'S LITIGATION REPORT: ERISA (April 2008) (discussing involvement in *MetLife v. Glenn*).

### **AWARDS**

2016 Thorsnes Prize for Outstanding Legal Scholarship, University of San Diego (2016)

University Professorship, University of San Diego (2015-16)

Herzog Endowed Scholar, University of San Diego (2012-13)

Winner, Stanford-Samsung Essay Contest on Patent Damages (2010)

### **PEER REVIEWING**

*Review of Law & Economics*; *Journal of Empirical Legal Studies*; *Artificial Intelligence & Law*; *Yale Law Journal*; *Stanford Law Review*; *International Review of Law & Economics*; *Journal of Law, Technology & Policy*; Oxford University Press; Cambridge University Press; Routledge; Banting Postdoctoral Fellowship (Canada); Israel Science Foundation; Austrian Science Fund (FWF).

### **GRANTS**

Investigator, "Predicting Obviousness," Center for Protection of Intellectual Property (with Ryan Holte) (2015-16).

Investigator, "A Comprehensive Patent Litigation Dataset for Empirical Research," Ewing Marion Kauffman Foundation (with Stuart Graham and Brian Wright) (2009).

Participant, "Entrepreneurial Companies & the Patent System," Ewing Marion Kauffman Foundation (with Robert Barr, Stuart Graham, Robert Merges, and Pamela Samuelson) (2008-09).

### **TECHNOLOGY EXPERTISE**

Professional-level knowledge in telecommunications, software, and Internet technologies. Graduate study in classical mechanics, electricity & magnetism, statistical mechanics, and quantum mechanics.