

DAVID A. SIMON

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ACADEMIC APPOINTMENTS

Petrie-Flom Center, Harvard Law School, Cambridge, MA <i>Research Fellow & Lecturer on Law</i>	2021 –
Research: Legal, Regulatory, & Ethical Issues in Digital In-Home Diagnostics Course: Drug & Device Innovation Seminar (Spring 2022)	
Northeastern University School of Law, Boston, MA <i>Lecturer</i>	Fall 2021
Course: Torts	
George Washington University Law School, Washington, DC <i>Visiting Associate Professor & Frank H. Marks Intellectual Property Fellow</i>	2020 – 2021
Course: Trademark Law	
University of Kansas School of Law, Lawrence, KS <i>Visiting Assistant Professor</i>	2019 – 2020
Courses: Torts; Patent Law; Criminal Law	
Hanken School of Economics, Helsinki, Finland <i>Fellow</i>	2019 – 2020
Research: Fairness in EU IP; Personalized Medicine; Innovation	

EDUCATION

University of Cambridge, Trinity College, Cambridge, United Kingdom Ph.D., Law	2019
Honors: Cambridge International Scholar (full merit scholarship & stipend)	
Harvard Law School, Cambridge, MA LL.M.	2011
Activities: Harvard Journal on Law & Technology Berkman Center for Internet & Society Clinic Research Assistant for Jon Hanson	
Chicago-Kent College of Law, Chicago, IL J.D., <i>Order of the Coif, High Honors</i> (Top 5%)	2008
Honors: Chicago-Kent Merit Scholarship Dean's List (all semesters), Moot Court Honor Society (by competition) Winner, <i>IDEA: The Intellectual Property Law Review</i> Writing Competition CALI Award (Highest Grade Awarded) in Professional Responsibility	
University of Michigan, Ann Arbor, MI B.A., <i>High Distinction</i> , Political Science, Philosophy (minor)	2005
Honors: Dean's List (all semesters) James B. Angell Scholar (all A's for a full academic year) Golden Key Scholar Graduated in 3 years	

SCHOLARLY AND TEACHING INTERESTS

Primary Interests:	Food & Drug Law, Health Law, Intellectual Property (all subjects), Torts
Secondary Interests:	Administrative Law, Criminal Law, Law & Philosophy, Property

LAW REVIEW PUBLICATIONS

<i>Off-Label Speech</i> , __ EMORY LAW JOURNAL __ (forthcoming 2022)
<i>Off-Label Innovation</i> , __ GEORGIA LAW REVIEW __ (forthcoming 2021)

- Trademark Law & Consumer Safety*,
72 **FLORIDA LAW REVIEW** 673 (2020)
- Analogies in IP: Moral Rights*,
21 **YALE JOURNAL OF LAW & TECHNOLOGY** 337 (2019)
- The Confusion Trap: Rethinking Parody in Trademark Law*,
88 **WASHINGTON LAW REVIEW** 1021 (2013), *cited in*
Appellant's Brief in *VIP Products LLC, Plaintiff-counter-defendant - Appellant, v. Jack Daniel's Properties, Inc.*, 2018 WL 5907101 (9th Cir. 2018)
- An Empirical Analysis of Fair Use Decisions Under the Uniform Domain-Name Dispute-Resolution Policy*,
53 **BOSTON COLLEGE LAW REVIEW** 65 (2012), *covered by*
MANAGING IP MAGAZINE in two articles (including interview)
- Explaining the Supreme Court's Shrinking Docket* (with Ryan J. Owens),
53 **WILLIAM & MARY LAW REVIEW** 1219 (2012)
- Culture, Creativity, & Copyright*,
28 **CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL** 279 (2011)
- Reasonable Perception and Parody in Copyright Law*,
2010 **UTAH LAW REVIEW** 779 (2010)
- In Search of (Maintaining) the Truth: The Use of Copyright Law by Religious Organizations*,
16 **MICHIGAN TELECOMMUNICATIONS & TECHNOLOGY LAW REVIEW** 355 (2010)
- Teaching Without Infringement: A New Model for Educational Fair Use*,
20 **FORDHAM INTELL. PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL** 453 (2010)
- Mo' Money, Mo' Problems: Should Appellate Courts Have Nonparty Jurisdiction Over Lawyers' Appeals From Nonmonetary Sanctions?*,
78 **UNIVERSITY OF CINCINNATI LAW REVIEW** 183 (2009)
- Register Trademarks and Keep the Faith: Trademarks, Religion, and Identity*,
49 **IDEA** 233 (2009) (1st Place, IDEA Student Writing Competition), *cited in*
Sovereign Military Hospitaller v. Florida Priory of Knights Hospitallers, 816 F. Supp. 1290
(S.D. Fla. 2011)
Brief in Support of Petition for Certiorari to the U.S. Supreme Court,
Universal Church, Inc. v. Toellner, 2019 WL 1556321 (U.S.)

PEER-REVIEWED & OTHER PUBLICATIONS

- Lucky IP* (with Patrick Goold),
OXFORD JOURNAL OF LEGAL STUDIES gqac006(2022) (peer reviewed)
- Information Capacity, Regulation, & Certification Marks*
CAMBRIDGE HANDBOOK ON THE LAW & ECONOMICS OF TRADEMARKS (forthcoming 2022)
- At-Home Diagnostics and the Device vs Wellness Line* (with I. Glenn Cohen & Carmel Shachar),
327 **JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION** 523 (2022)
- The Hospital-at-Home Presents Novel Liabilities for Physicians, Hospitals, Caregivers, and Patients* (with I. Glenn Cohen, Anaeze Offodile, & Celynne Balatbat)
NATURE MEDICINE (2022)
- Patient Data Ownership: Who Owns Your Health?* (with Kathleen Liddell & Anneke Lucassen)
8 **JOURNAL OF LAW & BIOSCIENCES** 1 (2021) (peer reviewed)
Received the Hanken Foundation (Stiftelsen Svenska handelshögskolan) Scholarly Award
- Telehealth to Address Health Disparities: Potential, Pitfalls, and Paths Ahead* (with Carmel Shachar),
49 **JOURNAL OF LAW, MEDICINE & ETHICS** 415 (2021)

Taxing the Poor Through Real Estate Transfers,
2020 **ILLINOIS LAW REVIEW ONLINE** 29 (2020)
A Legal Stimulus,
NORTHWESTERN UNIVERSITY LAW REVIEW OF NOTE (2020)
Legal Realism Now?,
107 **KENTUCKY LAW JOURNAL ONLINE** 1 (2019) (invited response)

OTHER WRITING

The Devil is in the Details with Biden's Free COVID Testing Plan,
BILL OF HEALTH, (Dec. 3, 2021)
Pandemic Diagnostics: Present and Future Implications of Self-Testing Reimbursement,
BILL OF HEALTH, (July 14, 2021)
Legal Scholarship Highlight: An Empirical Analysis of the Court's Shrinking Docket (with Ryan Owens),
SCOTUSBLOG (June 20, 2012)
Application of Deterrence Assessment Methodologies to Commercial Ferry Attack Scenario (contributor),
CENTER FOR ADVANCED DEFENSE STUDIES (2005)

BOOKS

A PATIENT'S GUIDE TO THORACIC OUTLET SYNDROME (2018)

WORKS IN PROGRESS

The Other FDA (**in progress**) (**job talk**)
IP Law Fit for Swine (with Patrick Goold) (**in progress**)
The Syntactic Structure of Legal Rights (**working paper**)
Skating the Line Between Wellness Products and Regulated Devices: Strategies and Implications
(with I. Glenn Cohen & Carmel Shachar) (**under review**)
Pre-Diagnostics (with I. Glenn Cohen) (**working paper**)
Advertising on Devices: A Glimpse of the Future? (with I. Glenn Cohen) (**working paper**)
The Legal and Policy Landscape of Drug Repurposing (with Jonathan Darrow & John Liddicoat)
Physician & Manufacturer Liability for Remote Monitoring and Diagnostics (with Aaron S. Kesselheim)
(**in progress**)

SCHOLARLY PRESENTATIONS & INVITED LECTURES

<i>The Other FDA</i>	American Society of Law, Medicine, & Ethics Annual Law Professors Conference	2022
	Arizona State University Sandra Day O'Connor College of Law	
	6th Annual Regulation and Innovation in the Biosciences (RIBS) Workshop	2022
	University of Iowa College of Law	
	Law & Biosciences Workshop	2022
	Stanford Law School	
	Works-in-Progress Intellectual Property (WIPIP) Colloquium	2022
	University of St. Louis School of Law	
	Northeastern University School of Law Faculty Colloquium (invited)	2021
<i>An IP Law Fit for Swine</i>	Intellectual Property Scholars Conference	2022
	Stanford Law School	
<i>Advertising on Devices: A Glimpse of the Future?</i>	6th Annual Regulation and Innovation in the Biosciences (RIBS) Workshop	2022
	University of Iowa College of Law	

<i>The Legal and Policy Landscape of Drug Repurposing</i>		
C-Path Institute CURE Drug Repurposing Collaboratory Annual Meeting (invited)		2022
<i>Informational Capacity, Regulation, and Certification Marks</i>		
International Trademark Association Scholarship Symposium		2022
The Law & Economics of Trademarks Conference (invited), Texas A&M U. School of Law		2021
<i>Emerging Trends in In-Home Digital Diagnostics</i>		
Loyola University Chicago School of Law Seminar (invited)		2021
<i>Lucky IP</i>		
Intellectual Property Roundtable		2021
University of New Hampshire School of Law (selected)		
<i>Off-Label Speech</i>		
Wiet Life Science Law Scholars Workshop (selected)		2021
Loyola University Chicago School of Law		
ASLME 44th Annual Health Law Professors Conference		2021
Northeastern U. School of Law		
Fifth Annual Health Law Works-in-Progress Retreat (selected)		2021
Seton Hall Law School (selected)		
<i>Off-Label Innovation</i>		
University of Cambridge, Faculty of Law (invited)		2021
18th Annual Works-in-Progress Intellectual Property Colloquium		2021
American University Washington College of Law,		
University of Utah S.J. Quinney College of Law, & Texas A&M U. School of Law		
New Voices in IP, American Association of Law Schools		2021
Junior Scholars Workshop		2020
Intellectual Property Scholars Conference		2020
Stanford Law School		
<i>Drug Reimbursement: On- and Off-Label</i>		
Critical Path Institute's CURE Drug Repurposing Collaboratory (invited)		2021
<i>Provider-Based Solutions to Problems with Off-Label Prescriptions</i>		
Third Annual IP & Innovation Researchers of Asia Conference		2021
<i>Innovation, Off-Label Prescribing, and Intellectual Property Regimes (invited)</i>		
Hanken School of Economics		2020
<i>The Syntactic Structure of Legal Rights</i>		
Political Philosophy Workshop, University of Cambridge		2020
H.L.A. Hart Seminar, University of Surrey Faculty of Law, Guildford, UK		2019
<i>Copyright's Memory-Based Rights</i>		
The Sixth Annual Intellectual Property Mosaic Conference		2020
Marquette University Law School		
George Mason Law School Colloquium on Philosophical Approaches to IP (invited)		2019
<i>A Structural Analysis of Intellectual Property Law</i>		
Seminar on Intellectual Property Theory, University of Kentucky College of Law (invited)		2020
<i>Problems in Theory: Intellectual Property</i>		
17th Annual Works-in-Progress IP Colloquium, Santa Clara University School of Law		2020
Hanken School of Economics, Helsinki, Finland (invited)		2019
The Fourth Annual Intellectual Property Mosaic Conference		2018
IP Unbundled: Theory, Policy, and Practice		
University of New Hampshire School of Law		
<i>Distributing IP</i>		
Lecture on Intellectual Property, Hanken Sch. of Economics, Helsinki, Finland (invited)		2019

<i>Trademark Law & Consumer Safety</i>	
Intellectual Property Scholars Conference, DePaul College of Law	2019
2019 SEALS Prospective Law Teachers Workshop (selected)	2019
<i>Rx Marks</i> (invited)	
DePaul College of Law	2018
<i>Early Moral Rights Theorists in Copyright Law</i>	
University of Cambridge, Faculty of Law	2012
<i>Aspects of Intellectual Property Law and Licensing in the U.S. and Europe</i> (invited)	
European School of Economics, Florence, Italy	2012
<i>The Confusion Trap: Rethinking a Defense for Parody in Trademark Law</i>	
Oxford Intellectual Property Discussion Group	2011
<i>An Empirical Analysis of Fair Use Decisions Under the Uniform Domain-Name Dispute-Resolution Policy</i>	
Intellectual Property Scholars Conference, DePaul College of Law	2011
Empirical Analysis of Law Seminar, Harvard Law School	2011
<i>Culture, Creativity, & Copyright</i>	
8th Annual Works in Progress Intellectual Property Colloquium	2011
Boston University School of Law	
<i>Reasonable Perception and Parody in Copyright Law,</i>	
Intellectual Property Scholars Roundtable, Drake University Law School	2010
<i>Teaching Without Infringement: A New Model for Educational Fair Use,</i>	
7th Annual Works in Progress Intellectual Property Conference, Seton Hall Law School	2009
<i>In Search of (Maintaining) the Truth: The Use of Copyright Law by Religious Organizations,</i>	
Intellectual Property Scholars Conference, Cardozo Law School	2009

MEDIA

<i>FTC resurrects a decade-old rule as a guardrail on the health app explosion,</i> THE VERGE, Sept. 22, 2021
<i>Your Property Taxes Are Likely Still Due, But Your Lender Might Have You Covered,</i> FORBES, April 15, 2020
<i>The messy legal scrap to bring celebrities back from the dead,</i> WIRED, Nov. 17, 2019

EXPERIENCE

Simon Law Group LLC , Chicago, IL <i>Attorney and Managing Member</i>	2016 – 2020
Harvard Law School , Cambridge, MA <i>Visiting Researcher</i>	2012 – 2013
University of Navarra Law School , Pamplona, Spain <i>Visiting Professor of Intellectual Property Law</i> Course: U.S. Intellectual Property Survey	Spring 2012
Harvard College, Department of Government , Cambridge, MA <i>Teaching Fellow</i> , International Law; The Supreme Ct. & Am. Politics	2011 – 2012
Harvard Law School , Cambridge, MA <i>Summer Academic Fellow</i>	Summer 2011
Hon. Martin Ashman, U.S. District Court., N.D. Ill. , Chicago, IL <i>Judicial Law Clerk</i> (18 months)	2009 – 2010
Dahl & Bonadies , Chicago, IL <i>Associate Attorney</i>	2008 – 2009
Brinks, Hofer, Gilson & Lione , Chicago, IL <i>Summer Associate</i>	Summer 2007

SERVICE

CURE Drug Repurposing Collaboratory (CDRC) – Member (2021 – present)
Student Mentor, Petrie-Flom Center for Health Law Policy, Biotechnology, & Bioethics (2021– present)
Commentator, 6th Annual Health Law Works-in-Progress Retreat (2022)
Food & Drug Law Journal – Editorial Board (2022 – 2023)
Food & Drug Law Institute Peer Review Committee – Member (2020 – present)
Junior Scholars Workshop – Organizer
Lawyers for the Creative Arts – Pro Bono Attorney
Illinois Real Estate Lawyer’s Association – Member
Illinois State Bar Association – Member
Moot Court Honor Society – Member
Saul Lefkowitz Trademark Moot Court Team – Participant and Coach

BAR ADMISSIONS

Illinois (2008), District of Columbia (2009) (retired/inactive)

POEMS

Pierced Cotton, NORTH CHICAGO REVIEW (2011)