TED M. SICHELMAN
Judith Keep Professor of Law
University of San Diego School of Law
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RESEARCH INTERESTS

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

TECHNICAL EXPERTISE

Patent litigation work in telecommunications, medical devices, software, and Internet technologies. Graduate study in classical mechanics, electricity & magnetism, statistical mechanics, and quantum mechanics.

TEACHING EXPERIENCE

University of San Diego School of Law
Judith Keep Professor of Law (2022–present), Prof. (2012–2022), Assoc. (2011–12), Asst. (2009–11) San Diego, CA 2009–present

Courses: Patent Law; Patent Law Theory; Patent Law Policy; IP Speaker Series; IP Theory; IP Seminar; Patents & Innovation; Corporations; Corporate Innovation & Legal Policy; IP & Business; IP & Corporate Technology Externship; Multistate Bar Exam (MBE) Review (teach all tested subjects, including Torts, Contracts, Real Property, Constitutional Law, Criminal Law & Procedure, Evidence, and Civil Procedure).

Service: Founder & Executive Director, Center for Computation, Mathematics, and the Law (13–); Co-Director, Center for IP Law & Markets (13–); Member, Artificial Intelligence Committee (university-wide and law school) (23–); Member, Strategic Planning Committee (22–); Member, Rankings Committee (14–16); Member, Faculty Appointments Committee (11–20); Member, Technology Committee (11–15); Director, IP & Corporate Technology Externship (10–); Advisor, Student IP Law Association (10–); Student Paper Supervisor (09–); University Senate (09–11).

- Primary organizer for twelve years of an 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 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 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 (ICAIL); organize and host other events.
- Created and teach the law school's Multistate Bar Exam (MBE) Review course, which has helped raise the school's first-time California bar exam pass rate by 5-9% relative to the state median pass rate for ABA-approved California law schools.

Harvard Law School Cambridge, MA 2016 (winter, fall)
Visiting Professor

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

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.

LEGAL & BUSINESS EXPERIENCE

Academic Expert Group, LLC
Progress, LLP & Other Clients San Diego, CA 2009–present
Attorney & Consultant

Provide legal services and consult for a variety of companies, individuals, and law firms on a part-time basis. (All work is performed as an independent contractor unless noted otherwise.)

- *Of Counsel* at Progress, LLP (San Diego)
  - Responsible for a variety of tasks in patent litigation matters, including *Kannuu v. Samsung* (S.D.N.Y. and Fed. Cir.) and related USPTO proceedings.
  - Confidential analysis of infringement claims for a medical device company.
  - Confidential analysis of patent portfolios for potential sale and licensing.
- Perform legal work and data analytics for Prediction Tennis, LLC, and AI Tennis, Inc.
- Develop and provide legal assistance with an electronic casebook platform for *LiveCarta*/Tributary Publishing, Inc.
- Served as patent law expert for California Institute of Technology in pre-litigation conflict-of-interest review.
- Served as expert in FINRA arbitration.
- Assisted with sale of digital imaging patent portfolio.
- Served as confidential expert in an overseas medical diagnostics patent action.
- Served as a confidential expert in an overseas patent licensing dispute.
- Performed confidential IP licensing and other transactional work for a medical device company.
- Served as an expert in a USPTO reexamination proceeding for Bayer CropScience NV.
- Performed confidential two-year patent litigation data collection and analysis project as part of Academic Expert Group, LLC, for a publicly traded company.
- Developed strategies and drafted a confidential business plan for a company planning to challenge third-party patents at the USPTO.
- Managed and negotiated confidential sale of patent portfolio for a medical device company.
- Conducted confidential prior art analysis for a Voice over IP (VoIP) company.
- Served as a confidential expert in overseas patent infringement cases involving wireless technologies.

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 and 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 and federal court appeals, and IP transactions and 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 routed callers who dialed 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)

FELLOWSHIPS & CLERKSHIP

IP Policy Institute,
University of Akron School of Law Akron, OH 2017–present
Senior Scholar

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

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)
- Coursework 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.

CITATION METRICS

- The 11th most-cited IP scholar in the U.S., 2016–20 (Leiter Law School Reports, here)
- 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)
- One of the two most-cited law review articles published in the *Stanford Law Review* since 2010 (as of January 2024) (according to Google Scholar and HeinOnline) (*Commercializing Patents*)
- Of law journal articles (all fields) available on HeinOnline (as of August 2020):
  - 47th most-cited article published in 2014 (*Purging Patent Law of Private Law Remedies*)
  - 8th most-cited article published in 2011 (*Life After* Bilski)
  - 7th most-cited article published in 2010 (*Commercializing Patents*)
  - 16th 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 25 other judicial opinions (*Life After* Bilski)
- Google Scholar citations: 3,531 (all); 1,097 (since 2021); 21 h-index (as of April 2026)

JOURNAL PUBLICATIONS

The Mathematical Structure of the Law, 27 ELON LAW REVIEW 85 (2025).

A Network Model of Legal Relations (with Henry E. Smith), 382 PHILOSOPHICAL TRANSACTIONS OF THE ROYAL SOCIETY A 20230153 (2024).

Patents as Hedges, 38 BERKELEY TECHNOLOGY LAW JOURNAL 515 (2023).

Quantifying Legal Entropy, 9 FRONTIERS IN PHYSICS 665054 (2021).

An Economic Model of Patent Exhaustion (with Olena Ivus and Edwin Lai), 29 JOURNAL OF ECONOMICS & MANAGEMENT STRATEGY 816 (2020).

The Case for Noncompetes (with Jonathan Barnett), 87 UNIVERSITY OF CHICAGO LAW REVIEW 953 (2020).

Cycles of Obviousness (with Judge Ryan Holte), 105 IOWA LAW REVIEW 107 (2019).

Ranking the Academic Impact of 100 American Law Schools (with Paul Heald), 60 JURIMETRICS 1 (2019).

Why Do Startups Use Trade Secrets? (with David Levine), 94 NOTRE DAME LAW REVIEW 751 (2018).

Innovation Factors for Reasonable Royalties, 24 TEXAS INTELLECTUAL PROPERTY LAW JOURNAL 277 (2018) (symposium volume).

Data-Generating Patents (with Brenda M. Simon), 111 NORTHWESTERN UNIVERSITY LAW REVIEW 377 (2017).

Patents, Prizes, and Property, 30 HARVARD JOURNAL OF LAW & TECHNOLOGY 279 (2017) (symposium volume).

Focus on Economically Important Patent Applications to Enhance Patent Quality, 2 BERKELEY TECHNOLOGY LAW JOURNAL COMMENTARIES (2016).

Do Economic Downturns Dampen Patent Litigation? (with Alan Marco and Shawn Miller), 12 JOURNAL OF EMPIRICAL LEGAL STUDIES 481 (2015).

Meaning is in the Mind of the Reader: A Rejoinder to Burk, Cotter, and Lemley, 93 TEXAS LAW REVIEW SEE ALSO 15 (2014).

The Vonage Trilogy: A Case Study in "Patent Bullying," 90 NOTRE DAME LAW REVIEW 543 (2014).

- 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).

- 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, 92 TEXAS LAW REVIEW SEE ALSO 35 (2014) (by invitation).

Patent Law Revisionism at the Supreme Court?, 45 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 307 (2013) (symposium volume, by invitation).

- 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).

- 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).

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).

Life After Bilski, 63 STANFORD LAW REVIEW 1315 (2011) (with Mark Lemley, Michael Risch, and Polk Wagner) (symposium volume, by invitation).

- 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).

Markets for Patent Scope, 2 IP THEORY 42 (2011) (symposium volume).

Commercializing Patents, 62 STANFORD LAW REVIEW 341 (2010).

- 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).

- 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).

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).

- 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).

Why Do Start-Ups Patent?, 23 BERKELEY TECHNOLOGY LAW JOURNAL 1063 (2008) (with Stuart Graham) (symposium volume, by invitation).

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)).

BOOKS & BOOK CONTRIBUTIONS

Wesley Hohfeld, Biography, *in* ELGAR CONCISE ENCYCLOPEDIA OF LEGAL THEORY AND PHILOSOPHY (John Linarelli ed., forthcoming 2026).

Biomedical Startups & Patenting: 17 Years since the Berkeley Patent Survey, *in* BRINGING MEDICINES TO LIFE: HOW INTELLECTUAL PROPERTY ENABLES INNOVATION IN THE LIFE SCIENCES (Jonathan M. Barnett & Bowman Heiden eds., Cambridge University Press, forthcoming 2026).

PATENT LAW: AN OPEN-SOURCE CASEBOOK (co-edited with Mark Janis) (2nd ed., 2023).

WESLEY HOHFELD A CENTURY LATER: EDITED WORK, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES (co-edited with Shyam Balganesh & Henry Smith, Cambridge University Press, 2022).

Wesley Hohfeld's Some Fundamental Legal Conceptions as Applied in Judicial Reasoning (Edited and Annotated), *in* WESLEY HOHFELD A CENTURY LATER: EDITED WORK, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES (Shyam Balganesh, Ted Sichelman & Henry Smith eds., Cambridge University Press, 2022).

Very Tight 'Bundles of Sticks': Hohfeld's Complex Jural Relations, *in* WESLEY HOHFELD A CENTURY LATER: EDITED WORK, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES (Shyam Balganesh, Ted Sichelman & Henry Smith eds., Cambridge University Press, 2022).

Data Sources on Patents, Copyrights, Trademarks, and Other Intellectual Property (with David L. Schwartz), *in* 2 RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW (ANALYTICAL METHODS) (Peter S. Menell & David L. Schwartz eds., 2019).

The Pathologies of Data-Generating Patents, *in* BIG DATA, HEALTH LAW, AND BIOETHICS (I. Glenn Cohen et al. eds., 2018).

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).

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

WORKS IN PROGRESS

Legal Entanglement (with Nicholas Godfrey). Several legal scholars have metaphorically described 'entangled' legal concepts. For instance, if a state's highest court redefines the concept of 'foreseeability' in negligence law, this redefinition alters the concept of 'reasonable care' immediately in the eyes of the law. Godfrey (2024) is the first work to mathematically model entangled legal concepts, particularly in the context of legal interpretation. Here, we extend the quantification to the formulation and delineation of law (lawmaking) and the adjudication of law (judgment). In so doing, we connect legal entanglement to Sichelman's (2021) work on legal entropy, complexity, and the informational content of law. In addition to quantifying entanglement across various legal contexts, our approach provides broader insights. For example, it offers a more comprehensive analysis of the uses and limits of 'modularity' in law—specifically, the role legal boundaries (spatial or intangible) play in reducing information costs within legal systems. Moreover, we discuss how our model can improve theories of legal artificial intelligence. Finally, we explore the application of legal theory back to physics. If quantum physical entanglement operates analogously to legal entanglement, it requires discarding both locality and classical realism, though not in the manner commonly imagined.

The Order of Physical Law. First-order legal relations specify the duties of legal actors. Second-order legal relations generally concern the intentional, volitional acts of legal actors exercising legal powers to change first-order laws or legal relations. This article adapts the notion of legal order to propose a theory of first- and higher-order physical laws, contending that current physical theories implicitly (and wrongly) assume that essentially all physical processes can be modeled using first-order laws. Incorporating second- and higher-order structures from legal models into physical theories provides a novel approach for framing problems in physics, such as the process of quantum measurement. Specifically, quantum measurement is better explained as a fundamentally second-order physical process, which alters the underlying first-order physical "microlaws" governing the evolution of a quantum system.

Quantum Game Theory and Coordination in Intellectual Property. 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.

Trademarks as Club Goods (with Abraham Bell). 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 of 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.

Retracing the Origins of the Patent System (with Stefania Fusco and Toni Veneri). Scholars have widely and consistently contended that the Venetian Patent Act of 1474 was a watershed in the history of patent law. Specifically, they have asserted that the 1474 Act erected an administratively centered system of statutorily cabined patent grants that replaced the previous system of legislatively 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.

OTHER INTELLECTUAL PROPERTY LAW PUBLICATIONS

Should Noncompete Clauses for Executives Be Legal?, THE WALL STREET JOURNAL, Sept. 22, 2021.

The Flawed Case Against Noncompetes, THE HILL, July 29, 2021.

The USPTO Patent Litigation Dataset: Open Source, Extensive Docket and Patent Number Data, PATENTLY-O, Dec. 16, 2020.

How Elite Lawyers Shape the Law, JOTWELL, July 26, 2019.

Decoupling Intellectual Property's Incentive and Allocation Functions, JOTWELL, Sept. 3, 2018.

Does the Supreme Court Understand the Innovation Economy?, FORBES, July 12, 2017.

Sometimes, Information Wants to Be Expensive, JOTWELL, June 26, 2017.

An Economic Argument Against Mandatory Patent Exhaustion, PATENTLY-O, Mar. 19, 2017.

Patent Law's Gordian Knot, JOTWELL, July 7, 2016.

Why the (Previously) Improving Economy Likely (Also) Reduced Patent Litigation Rates, PATENTLY-O, Sept. 13, 2015.

A Pluralistic Vision of Incentivizing Innovation, JOTWELL, July 20, 2015.

Are There Too Many Patents to Search? – A Response, NEW PRIVATE LAW, July 2, 2015.

The Innovation Act's Fee-Shifting is Biased against Patent Holders and Will Likely Increase PAE Activity, PATENTLY-O, Mar. 4, 2015.

Most Cited IP Law Articles over the Last 10 Years, WRITTEN DESCRIPTION, Sept. 23, 2014.

Are Patent Damages Uncertain?, JOTWELL, June 30, 2014.

Why the Government Should (Sometimes) Help Companies "Cheat" on Their Taxes, THE CONGLOMERATE, June 28, 2014.

The Tricky Business of Tesla's Patent "Give-Away," *The Conglomerate, June 20, 2014.*

The IP Transaction "Gap," *The Conglomerate*, June 16, 2014.

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.

Patent Remedies Should Not Depend on a Patentholder's Business Model, PATENTLY-O, Mar. 14, 2014.

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).

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.

What We Said (and Didn't Say) in the Berkeley Patent Study, PATENTLY-O, Aug. 5, 2011 (with Robert Merges & Pam Samuelson).

Fixing the "First Inventor to File" One-Year Grace-Period Provision of the Patent Reform Bills, PATENTLY-O, April 12, 2011.

Patenting by Entrepreneurs: The Berkeley Patent Survey, PATENTLY-O, July 18–20, 2010 (Part I; Part II; Part III).

Why Bilski *Benefits Startup Companies*, PATENTLY-O, June 29, 2010.

Are Appeals at the Federal Circuit a "Coin Flip"?, PATENTLY-O, Apr. 9, 2010.

Disclosing "Related Cases" at the Federal Circuit: Eli Lilly's Written Description "Secret," Patently-O, Dec. 3, 2009.

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)).

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.

Most-Cited Tort Law Articles Published in the Last 25 Years, NEW PRIVATE LAW, Mar. 4, 2016.

Fifteenth International Conference on Artificial Intelligence and Law (ICAIL 2015), 37 AI MAGAZINE 107 (2015) (with Katie Atkinson, Jack Conrad, and Anne Gardner).

Reinvigorating the Public-Private Law Divide: A Hohfeldian Construction of the State, NEW PRIVATE LAW, Oct. 19, 2015.

Top 25 Most Cited Contract Law Articles Published in the Last 25 Years, NEW PRIVATE LAW, Sept. 10, 2015.

Top 25 Most Cited Real Property Law Articles Published in the Last 25 Years, NEW PRIVATE LAW, June 2, 2015.

A Hohfeldian Take on the Public-Private Law Divide, NEW PRIVATE LAW, May 15, 2015.

Most Cited Private Law Articles Published in the Last 25 Years, NEW PRIVATE LAW, April 22, 2015.

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

The Fifteenth Annual University of San Diego School of Law Patent Conference (April 2026).

The Patent Conference 13 (PatCon 13), University of San Diego School of Law (April 2025).

The Patent Conference 12 (PatCon 12), University of San Diego School of Law (April 2024).

The Tenth Annual University of San Diego School of Law Patent Conference (March 2023).

The Ninth Annual University of San Diego School of Law Patent Conference (March 2019).

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

The Patent Conference 8 (PatCon 8), University of San Diego School of Law (March 2018).

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).

The Sixth Annual University of San Diego School of Law Patent Conference (January 2016).

International Conference on AI & Law (ICAIL) 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 (PatCon 4), 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

Senior Commentator, Edison Fellowship Workshop, Antonin Scalia Law School, George Mason University (September 2026).

Senior Commentator, Edison Fellowship Workshop, Antonin Scalia Law School, George Mason University (March 2026).

Biotech Startups & Patenting: 17 Years Since the Berkeley Patent Survey, EIRA Initiative Workshop, Rethinking Innovation Policy in the Biopharmaceutical Ecosystem, Washington, DC (October 2025).

The Structure and Content of the Law, University of San Diego School of Law (August 2025).

The Problem with Price Controls, Center for Protection of Intellectual Property Summer Meeting, Beaver Creek, Colorado (July 2025).

Commentator, Harvard-Hamburg Conference on Legal Reasoning—System in the Law, Harvard Law School (June 2025).

Biotech Startups & Patenting: 17 Years Since the Berkeley Patent Survey, PatCon 13, University of San Diego School of Law (April 2025).

Speaker, Growth Financing Forum, European Patent Office (EPO) (April 2024).

Patents as Hedges, PatCon 12, University of San Diego School of Law (April 2024).

Senior Commentator, Edison Fellowship Workshop, Antonin Scalia Law School, George Mason University (March 2024).

The Mathematical Structure of the Law, University of San Diego School of Law (January 2024).

Patents as Hedges, 10th Annual USD School of Law Patent Law Conference (March 2023).

Co-presenter, *Wesley Hohfeld: A Century Later*, Harvard Law School Library Book Talk (March 2023).

Patents as Hedges, Berkeley-NYU Symposium on The Impact of the Patent System on Markets for Technology, UC Berkeley (February 2023).

Quantifying Legal Entropy, Quantum Theory & Law, Lund University (online) (April 2022).

Speaker, Growth Financing Forum, European Patent Office (EPO) (March 2022).

Patent Law Textbooks: A Microsymposium, University of Iowa School of Law (via Zoom) (November 2021).

The USPTO Patent Litigation Dataset, IP Scholars Conference, Cardozo School of Law (via Zoom) (August 2021).

Speaker, *Growth Financing Forum,* European Patent Office (EPO) (February 2021).

Quantifying Legal Entropy, Physics of Law Conference, Online (November 2020).

An Annotated Version of Wesley Hohfeld's "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning," University of San Diego School of Law Workshop (August 2020).

Robots, Artificial Intelligence, and the Law, Osher Institute, University of California, San Diego (March 2020).

The Mathematical Structure of the Law, Faculty Workshop, University of Washington School of Law (February 2020).

Cycles of Obviousness, 9th Annual Patent Law Conference, University of San Diego School of Law (March 2019).

The Case for Noncompetes, University of San Diego School of Law Faculty Colloquium (February 2019).

High Technology Entrepreneurs and the Patent System, International Association of Young Lawyers (AIJA) Fall Meeting, San Diego, CA (November 2018).

Is FRAND Efficient?, Antonin Scalia Law School, George Mason University, Center for Protection of Intellectual Property Fall 2018 Conference, Arlington, VA (October 2018).

Cycles of Obviousness, IP Scholars Conference, University of California, Berkeley, School of Law (August 2018).

The Evolution of Obviousness, PatCon 8, The Patent Conference, University of San Diego School of Law, San Diego, CA (May 2018).

Revisiting Labor Mobility in Innovation Markets, American Intellectual Property Law Association (AIPLA) Trade Secret Summit, San Diego, CA (May 2018).

Modeling Legal Modularity, American Law & Economics Association Annual Meeting, Yale Law School (May 2017) (presented by Henry Smith).

Panelist, *Venue: Does It Really Matter?,* American Intellectual Property Law Association (AIPLA) Spring Meeting, San Diego, CA (May 2017).

Very Tight 'Bundles of Sticks': Hohfeld's Complex Jural Relations, University of San Diego School of Law Faculty Workshop (May 2017).

An Economic Model of Patent Exhaustion, Antonin Scalia Law School, George Mason University, Center for Protection of Intellectual Property, Edison Fellowship Meeting, Austin, TX (Jan. 2017) (with Olena Ivus).

An Economic Model of Patent Exhaustion, California Patent Law Scholars Roundtable, University of San Diego School of Law (December 2016).

Very Tight 'Bundles of Sticks': Hohfeld's Complex Jural Relations, Wesley Newcomb Hohfeld Centennial Workshop, Yale Law School (October 2016).

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).

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, Thomas Edison Innovation Fellowship Meeting, George Mason University School of Law, Center for Protection of Intellectual Property, Sanibel Island, FL (Nov. 2015).

Patents as Hedges, University of San Diego School of Law IP Speaker Series (Nov. 2015).

Discussion Leader, *The Role of Academics in Policymaking in Patent Law*, 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 Association 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).

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).

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).

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 (January 2011) (presented by Mark Lemley).

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 (November 2010) (presented by Alan Marco).

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," Indiana University 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).

Discussant, Empirical Studies of Patent Litigation, Northwestern Law School (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).

Moderator, *The Legality of "Rogue" Bots:* MDY Industries v. Blizzard Entertainment, American Bar Association Webinar (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).

Discussant, Patent Law Colloquium, Santa Clara Law School (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 (June 2009) (with Stuart Graham).

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 (April 2009) (with Stuart Graham).

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).

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

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

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, DC (November 2008) (presented by Stuart Graham).

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 (September 2008) (presented with Stuart Graham).

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 Institute of Technology (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).

PRO BONO MATTERS & SERVICE

Member, Government Accountability Office (GAO) Expert Network (answer questions from Congress and other governmental agencies related to intellectual property law issues) (2025–present).

Submitted amicus brief at the certiorari stage to the U.S. Supreme Court in *Lynk Labs, Inc. v. Samsung Elecs. Co., Ltd.*, 125 F.4th 1120 (Fed. Cir. 2025) (concerning the appropriate scope of prior art available in inter partes review).

Submitted amicus letter brief in *DoorDash, Inc. v. Superior Court of City & Cty. of San Francisco (Uber Techs., Inc.)*, California Court of Appeal Case No. A174211 (2025) (regarding the appropriate scope of California's restraint of trade provision, California Bus. & Prof. Code § 16600).

Submitted amicus letter brief to the California Supreme Court in *Ixchel Pharma, LLC v. Biogen, Inc.*, 9 Cal. 5th 1130 (2020) (arguing that California Bus. & Prof. Code § 16600 does not apply to business-to-business exclusivity arrangements).

Co-drafted Comment to the Federal Trade Commission workshop, *Non-Competes in the Workplace: Examining Antitrust and Consumer Protection Issues* (2020).

Submitted amicus letter brief in *Quidel Corporation v. Superior Court of California, County of San Diego* (Beckman Coulter, Inc., Real Party in Interest)—Amici Curiae Letter in Support of Quidel Corporation's Writ Petition in the California Supreme Court, 451 P.3d 776 (2019) (arguing that California Bus. & Prof. Code § 16600 does not apply to business-to-business exclusivity arrangements).

TC Heartland LLC v. Kraft Foods Group Brands LLC (2017). Drafted an amicus brief signed by 22 academics in an important U.S. Supreme Court case regarding the forums in which a patent owner can sue a corporate defendant for infringement.

Impression Products, Inc. v. Lexmark International, Inc. (2017). Co-drafted amicus brief signed by 44 academics in a significant U.S. Supreme Court case concerning the scope of the patent "exhaustion" doctrine, which limits the ability of patent owners to enforce downstream contractual restrictions against licensees and purchasers.

Co-drafted letter to Congress from 28 academics expressing concern with pending bill proposing to restrict available venues in patent cases (2016).

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

Co-drafted letter to Congress from 40 academics opposing patent reform bills and describing weaknesses in empirical studies cited in favor of reform (2015).

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 in an important U.S. Supreme Court case regarding the appropriate level of scienter for indirect patent infringement, canvassing nearly 150 years of 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 and meet and present at member schools (2010–present).

Bilski v. Kappos, 130 S. Ct. 3218 (2010). Assisted in drafting an amicus brief in a significant U.S. 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 F. App'x 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 nonprofit working to protect ocean life).

Academic and Practitioner Advisory Board, *Patent Case Management Judicial Guide*, Federal Judicial Center.

MEDIA COVERAGE

Legal Entanglement: Mathematical Model Demonstrates Instantaneous Correlation of Legal Concepts, Quantum Zeitgeist, Nov. 13, 2025 (reviewing *Legal Entanglement*).

NPE Showcase: NPE Litigation in 2023 – What to Expect, JD Supra, Feb. 3, 2023 (citing *Do Economic Downturns Dampen Patent Litigation?).*

FTC Says Proposed Ban of Noncompete Clauses Would Strengthen Workers' Hand, NBC News, Jan. 5, 2023 (interview).

USD Professors Earn Honors, San Diego Union-Tribune, Aug. 7, 2022.

Will Ontario's Proposed "Non-Compete" Clause Ban Boost the Tech Sector?, The Logic, Nov. 8, 2021 (interview).

FTC Should Take Nuanced Approach on Noncompete Regs, LAW360, July 19, 2021 (referencing *The Case For Noncompetes*).

Patent Filings, Litigation May Shift in Economic Crisis, Bloomberg Law, Apr. 21, 2020 (interview plus discussion of results from *Do Economic Downturns Dampen Patent Litigation?*).

IP Enforcement Can Pay Unexpected Dividends in a Downturn, LAW360, Apr. 15, 2020 (discussion of results from Do Economic Downturns Dampen Patent Litigation?).

It's not the Alice decision that's the problem, it's how courts are applying it, leading law professors argue, IAM, Mar. 23, 2018 (discussing amicus brief filed by law professors at the Federal Circuit in *Cleveland Clinic v. True Health Diagnostics).*

Steve Brachmann, *Law Professors Urge CAFC to Uphold Cleveland Clinic Diagnostic Method Patents*, IPWATCHDOG, Mar. 15, 2018 (same).

Mark Walsh, *Troll Hike: Supreme Court Makes it Harder for Patent Litigants to Shop for Favorite Venues*, ABA JOURNAL (July 2017) (quoting my views on the effects of the Supreme Court's decision in *TC Heartland*).

Terrence Hart, *Friday's Endnotes*, COPYHYPE, June 30, 2017 (reviewing *Sometimes, Information Wants to be Expensive*).

Andrew Williams, *TC Heartland LLC v. Kraft Foods Group Brands LLC (2017)*, PATENT DOCS, May 22, 2017 (discussing amicus brief filed in *TC Heartland v. Kraft*).

Andrew Williams, *TC Heartland LLC v. Kraft Foods Group Brands LLC – 98 Professors Chime In*, PATENT DOCS, Mar. 26, 2017 (discussing amicus brief filed in *TC Heartland v. Kraft*).

Kelly Knaub, *Patent Suit Limits Would Aid Tech Giants, Say Profs*, LAW360, Aug. 2, 2016 (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 (reporting on co-authored letter to Congress regarding the VENUE Act).

Dennis Crouch, *Letter to Congress from 28 Law Professors & Economists Urging Caution on the VENUE Act*, PATENTLY-O, Aug. 1, 2016 (reporting on co-authored letter to Congress regarding a proposed bill to restrict available venues in patent actions).

Timothy B. Lee, *Massachusetts Just Stole an Important Page from Silicon Valley's Playbook*, VOX.COM, July 1, 2016 (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 (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 (discussing *Patenting by Entrepreneurs* article).

Lisa Larrimore Ouellette, *Janet Freilich vs. Ted Sichelman on Patent Searching*, WRITTEN DESCRIPTION, July 3, 2015 (discussing a debate on patent searching on the *New Private Law* blog).

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Michael Loney, *Apple, Samsung, Hall & Oates, USPTO, Under Armour, Patent Reform – This Week in IP*, MANAGING INTELLECTUAL PROPERTY, March 6, 2015 (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 (discussing *High-Technology Entrepreneurs and the Patent System*).

David Seto, *Networking Do's and Don'ts*, SAN DIEGO LAWYER, Sept./Oct. 2014 (recounting advice on "job searching" for law students).

Aparajita Lath, *Expired Patents, Injunctions and Commercialization*, SPICY IP, May 8, 2014 (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 (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 (reporting on *High-Technology Entrepreneurs* article).

Doug Sherwin, *Educators Debate Relevance of Bar Exam*, SAN DIEGO DAILY TRANSCRIPT, Dec. 9, 2013 (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 (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 (relying on findings from *Myths of (Un)certainty at the Federal Circuit*).

Marina Krakovsky, *Patently Inadequate*, 55 COMMUNICATIONS OF THE ACM 18 (July 2012) (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 (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).

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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 (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 (reporting on a panel addressing recent topics in intellectual property).

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 (reporting on *Economic Downturns* paper).

Vivek Wadhwa, *Why We Need To Abolish Software Patents*, PLUGGD.IN, Aug. 10, 2010 (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 (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 (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.

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

Herzog Endowed Scholar, University of San Diego (2012–13, 2022–23)

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

University Professorship, University of San Diego (2015–16)
Winner, Stanford-Samsung Essay Contest on Patent Damages (2010)

PEER REVIEWING

Frontiers in Physics (Review Editor)*; Harvard Law Review*; *Stanford Law Review*; *Yale Law Journal*; *Review of Law & Economics*; *Oxford Journal of Legal Studies*; *Journal of Empirical Legal Studies*; *Artificial Intelligence & Law*; *European Journal of Law & Economics*; *Research Policy*; *Law & History Review*; *International Review of Law & Economics*; *Journal of Law, Technology & Policy*; *Legal Theory*; Oxford University Press; Cambridge University Press; Routledge; Banting Postdoctoral Fellowship (Canada); Central European Institute of Legal Informatics (CEILI); Israel Science Foundation; Austrian Science Fund (FWF).

EXTERNAL GRANTS, PROJECT FUNDING & HONORARIA

Project Lead, "Patent Litigation Database Project II," U.S. Patent & Trademark Office (2021–25).

Project Lead, "Patent Litigation Database Project," U.S. Patent & Trademark Office (2017–20).

Investigator, "Legal Scholarship Genome Project," HeinOnline (with Yonathan Arbel) (2017).

Investigator, "Predicting Obviousness," Antonin Scalia Law School, George Mason University, Center for Protection of Intellectual Property (with Ryan Holte) (2015–17).

Honorarium, Edison Fellowship Senior Commentator, Antonin Scalia Law School, George Mason University, Center for Protection of Intellectual Property (2016–17).

Honorarium, University of Texas School of Law Patent Damages Conference (2016).

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

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