

THOMAS R. LEE

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EDUCATION

University of Chicago Law School: J.D. with High Honors, 1991
Order of the Coif
John M. Olin Prize to the outstanding graduate in law & economics
Joseph Henry Beale Prize for outstanding work in first-year legal
research and writing program
John M. Olin Fellowship in law & economics
University of Chicago Law Review
Managing Editorial Board, Topics & Comments Editor, 1990-91

Brigham Young University: B.A., Economics, Summa Cum Laude, 1988
Edwin S. Hinckley Scholar, 1987-88
Trustee's Scholar, 1983-84, 1986-87

EMPLOYMENT

Present: Professor of Law, J. Reuben Clark Law School, Brigham Young University

- Teaching interests: Intellectual Property, Civil Procedure, Supreme Court, Law & Economics, Remedies
- Research interests: Trademark, Copyright, and Intellectual Property Law; Original Understanding of the Constitution; Stare Decisis

2004-2005: Deputy Assistant Attorney General, Civil Division, U.S. Department of Justice

- As head of Federal Programs Branch, responsible for all civil litigation against federal government involving challenges to constitutionality of federal legislation and legality of executive action
- Supervised and oversaw brief writing and appellate advocacy by branch of approximately 85 attorneys
- Presented oral arguments in *Guantanamo Bay Detainee* cases (D. D.C.) and *Waxman v. Thompson* (C.D. Cal.)

2002-2004: Lead Counsel for the State of Utah in *Skull Valley Band of Goshute Indians v. Leavitt* (10th Cir., No. 02-4149)
Lead Counsel for the State of Utah in *Bullcreek v. Nuclear Regulatory Commission* (D.C. Cir., No. 03-1018)

2001-2002: Lead Counsel for the State of Utah in *Utah v. Evans* (U.S. Supreme Court, No. 01-714)

- Presented oral argument in three-judge district court

- Presented oral argument in U.S. Supreme Court

Present:

Of Counsel, Howard, Phillips, & Andersen

- Trademark litigation & cyberpiracy matters; oral arguments in Tenth Circuit, Fourth Circuit, Eastern District of Virginia, Eastern District of Michigan, Southern District of Florida, District of Utah

Representative cases:

General Motors v. Urban Gorilla LLC (10th Cir. 2007)
(trade dress infringement action against manufacturer of body kit incorporating variation of HUMMER H1 body design)

General Motors v. Phat Cat Carts, Inc. (S.D. Fla. 2006)
(trademark and trade dress infringement action against golf cart manufacturer)

Keystone v. Ford Motor Co. (C.D. Cal. 2005) (trademark infringement action between automobile manufacture and automobile parts distributor)

Volkswagen v. Dorling Kindersley Publishing (E.D. Mich. 2005) (trademark infringement action against publisher of children's book shaped like VW BEETLE)

General Motors v. Chevy Duty, Inc. (E.D. Mich. 2005)
(trademark infringement action against auto parts distributor)

Au-tomotive Gold v. Volkswagen of America (9th Cir. 2004)
(trademark infringement action against manufacturer of license plate frames and key chains incorporating Volkswagen and Audi trademarks)

General Motors v. Avanti Motor (E.D. Mich. 2003) (trade dress infringement action against concept vehicle incorporating the look and feel of the Hummer H2)

Porsche Cars v. Porsch.com (4th Cir. 2002) (in rem trademark cyberpiracy action concerning hundreds of domain names incorporating variations on Porsche's trademarks)

Ford v. Lloyd (6th Cir. 2002) (trademark infringement action against manufacturer of floor mats bearing counterfeits of Ford's trademarks)

Virtual Works v. Volkswagen (4th Cir. 2000) (trademark cyberpiracy action concerning VW.NET)

Ford v. 2600 Enterprises (E.D. Mich. 2002) (trademark cyberpiracy action)

Ford v. Czech (N.D. Ohio 2000) (trademark cyberpiracy action concerning FORD-QUALITY.COM and other domain names)

Ford v. GreatDomains.com (E.D. Mich. 2001) (trademark cyberpiracy action concerning numerous domain names incorporating variations on Ford's trademarks)

Porsche Cars v. Manny's Porshop, 972 F. Supp. 1128 (N.D. Ill. 1997) (trademark infringement and dilution action)

Lobbied on behalf of Porsche Cars in favor of the Anticybersquatting Consumer Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. 1501 (1999)

1992-94,
1995-97:

Associate ('92-'94), Shareholder ('95-'97), Kimball, Parr, Waddoups, Brown & Gee: Intellectual Property and Employment Litigation

1994-1995:

Law Clerk to the Honorable Clarence Thomas, Associate Justice of the United States Supreme Court

1991-1992:

Law Clerk to the Honorable J. Harvie Wilkinson, III, United States Court of Appeals for the Fourth Circuit

PUBLICATIONS

Demystifying Dilution, 84 Boston Univ. L. Rev. 859-944 (2004)

Eldred v. Ashcroft and the (Hypothetical) Copyright Term Extension Act of 2020, 12 Tex. Int. Prop. L.J. 1-23 (2003)

Utah's Census Battles: The Inside Story, 16 Chance 21-29 (2003) (co-authored with Lara J. Wolfson)

The Census and the Overseas Population, 2 Elec. L. J. 343-66 (2003) (co-authored with Lara J. Wolfson)

"To Promote the Progress of Science": The Copyright Clause and Congress's Power to Extend Copyrights, 16 Harv. J. Law & Techn. 1-23 (2002) (co-authored with Senator Orrin G. Hatch)

The Original Understanding of the Census Clause, 77 Wash. L. Rev. 1-64 (2002)

Tribute to Rex E. Lee, 3 J. App. Pract. & Process 560-563 (2001)

The *Anastasoff* Case and the Judicial Power to “Unpublish” Opinions, 77 Notre Dame L. Rev. 135-173 (2001) (co-authored with Lance Lehnhof)

Preliminary Injunctions and the Status Quo, 58 Wash. & Lee L. Rev. 109-166 (2001)

In Rem Jurisdiction in Cyberspace, 75 Wash. L. Rev. 97-145 (2000)

Stare Decisis in Economic Perspective: An Economic Analysis of the Supreme Court’s Doctrine of Precedent, 78 N.C. L. Rev. 643-706 (2000)

The Clinton Impeachment and the Constitution, 1999 BYU L. Rev. 1079-97

Stare Decisis in Historical Perspective: From the Founding Era to the Rehnquist Court, 52 Vand. L.Rev. 647-735 (1999)

Pleading and Proof: The Economics of Legal Burdens, 1997 BYU L.Rev. 1-34

Comment, The Standing of Qui Tam Relators Under the False Claims Act, 57 U. Chi. L. Rev. 543-71 (1990)

APPEARANCES & PRESENTATIONS

National Public Radio, *All Things Considered*, January 20, 2006 (discussion of subpoena issued to Google in *ACLU v. Gonzalez*, which involves a First Amendment challenge to the Child Online Protection Act)

National Public Radio, *Talk of the Nation*, January 23, 2006 (discussion of subpoena issued to Google in *ACLU v. Gonzalez*, which involves a First Amendment challenge to the Child Online Protection Act)

AWARDS & PROFESSIONAL AFFILIATIONS

Teacher of the Year, BYU Law School, 1999-2000 and 2002-2003

American Law Institute

International Trademark Association

Utah State Bar, United States Supreme Court Bar, Bars of the United States Courts of Appeals for the Fourth Circuit, Tenth Circuit, and District of Columbia Circuit

Utah Supreme Court Advisory Committee on Rules of Civil Procedure

American Inn of Court I, Executive Committee