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ACADEMIC EMPLOYMENT

WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW, Lexington, VA.

Associate Professor of Law, 2015 – Present.

Assistant Professor of Law, 2012 – 2015.

- Courses Taught: Intellectual Property; Property; Patent Law; Civil Procedure; Election Law and Voting Rights Seminar; Legal Writing I.
- Law School Committees: Academic Standards (2012-2013); Admissions (2013-2014); Frances Lewis Law Center (2015-Present); Judicial Clerkships (2012-Present; Chair, Fall 2013-Spring 2015, Spring 2016-Present); ABA Self-Study/Strategic Planning (2014-2015).
- University Committees: Information Technology (2013-2015), University Board of Appeals (2013-2015).
- Other Service: Faculty Advisor, *Washington and Lee University Law Review* (2014-Present); Co-Faculty Advisor, American Constitution Society, W&L Law Student Chapter (2014-Present); Faculty Advisor, Phi Alpha Delta (2013-2015).
- Honors and Awards:
 - Ethan Allen Faculty Fellow (for excellence in scholarship), 2015-2016.
 - University Nominee, Virginia Outstanding Faculty “Rising Star” Award, State Council of Higher Education for Virginia (SCHEV), 2015.
 - John W. Elrod Law Alumni Faculty Fellowship for Teaching, 2014-2015.
 - Student Bar Association Faculty Member of the Year, 2013-2014.
 - Order of the Coif (admitted 2013).

IIT CHICAGO-KENT COLLEGE OF LAW, Chicago, IL.

Visiting Assistant Professor, 2009 – 2012.

- Courses Taught: Intellectual Property Litigation; Intellectual Property and Antitrust; Legal Writing I and II.
- Committees: Judicial Clerkship (2010-2012).

LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW, Chicago, IL.

Adjunct Professor, 2007 – 2009.

- Courses Taught: Legal Writing I and II.

PUBLICATIONS

INTELLECTUAL PROPERTY

ARTICLES:

Patent Injunctions on Appeal: An Empirical Study of the Federal Circuit's Application of eBay (with Ryan T. Holte). 92 WASHINGTON LAW REVIEW (forthcoming 2017). Current draft available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2816097.

- Winner, Federalist Society Young Legal Scholars Paper Competition (2016).
- Discussed in blog posts on the [Empirical Legal Studies Blog](#) and the [Comparative Patent Remedies](#) blog.
- Ranked in Top Ten Most Downloaded New Papers for SSRN's [Law & Society: Private Law – Intellectual Property eJournal](#), [Intellectual Property: Patent Law eJournal](#), [Litigation & Procedure eJournal](#), [Intellectual Property: Empirical Studies eJournal](#), and [Remedies eJournal](#) (as of 9/19/16).

Abstract:

Ten years after the U.S. Supreme Court's 2006 landmark decision in eBay v. MercExchange, the availability of injunctive relief in patent cases remains hotly contested. For example, in a recent decision in the long-running litigation between Apple and Samsung, members of the U.S. Court of Appeals for the Federal Circuit sharply divided regarding whether an injunction was warranted to prevent Samsung from continuing to infringe several smartphone features patented by Apple. To date, however, nearly all empirical scholarship regarding eBay has focused on trial court decisions, rather than the Federal Circuit.

This article represents the first comprehensive empirical study of permanent injunction decisions by the Federal Circuit following eBay. Through an original dataset of appeals in nearly 200 patent cases—representing all cases involving contested permanent injunction decisions for a 7½ year period after eBay—we assess the impact of the Federal Circuit on the availability of permanent injunctions. The findings from this study indicate that the Federal Circuit is generally more favorable to prevailing patentees regarding permanent injunctive relief than the district courts following eBay. District courts that grant an injunction after a finding of liability are highly likely to be affirmed on appeal, whereas district courts that deny an injunction have a statistically significant lower affirmance rate. This suggests the Federal Circuit is generally inclined toward a property rule rather than a liability rule as a remedy against future patent infringement. It also appears to lend support to claims by scholars and others that the Federal Circuit, as a specialized court with a large number of patent cases, is more pro-patentee than the generalist district courts. Finally, some implications of this and other empirical findings from the study are considered.

Permanent Injunctions in Patent Litigation After eBay: An Empirical Study, 101 IOWA LAW REVIEW 1949 (2016).

- Discussed in blog posts on [Patently-O](#), the [Empirical Legal Studies Blog](#), [Written Description Blog](#), and the [Comparative Patent Remedies](#) blog.
- Ranked #2 in All Time Most Downloaded Papers for SSRN's [Remedies eJournal](#) (as of 9/19/16).

Abstract:

The Supreme Court's 2006 decision in eBay v. MercExchange is widely regarded as one of the most important patent law rulings of the past decade. Historically, patent holders who won on the merits in litigation nearly always obtained a permanent injunction against infringers. In eBay, the Court unanimously rejected the "general rule" that a prevailing patentee is entitled to an injunction, instead holding that lower courts must apply a four-factor test before granting such relief. Ten years later, however, significant questions remain regarding how this four-factor test is being applied, as there has been little rigorous empirical examination of eBay's actual impact in patent litigation.

This Article helps fill this gap in the literature by reporting the results of an original empirical study of contested permanent injunction decisions in district courts for a 7.5-year period following eBay. It finds that eBay has effectively created a bifurcated regime for patent remedies, where operating companies who compete against an infringer still obtain permanent injunctions in the vast majority of cases that are successfully litigated to judgment. In contrast, non-practicing entities almost always are denied injunctive relief. These findings are robust even after controlling for the field of patented technology and the particular court that decided the injunction request. It also finds that permanent injunction rates vary significantly based on patented technology and forum. Finally, this Article considers some implications of these findings for both participants in the patent system and policy makers.

The Case Against Federalizing Trade Secrecy, 101 VIRGINIA LAW REVIEW 317 (2015).

- Reprinted in INTELLECTUAL PROPERTY LAW REVIEW—2016 (Thomson Reuters) as one of the top law review articles related to intellectual property.
- Cited in Professors' Letter in Opposition to the Defend Trade Secrets Act of 2015 (S. 1890, H.R. 3326) (Nov. 17, 2015) (signed by over 40 IP law professors).
- Discussed in blog posts on [Patently-O](#) and [Written Description Blog](#).

Abstract:

Trade secrecy is unique among the major intellectual property (IP) doctrines because it is governed primarily by state law. Recently, however, a number of influential actors—including legislators, academics, and organizations representing IP attorneys and owners—have proposed creating a private civil cause of action for trade secret misappropriation under federal law. Proponents assert that federalizing trade secrecy would provide numerous benefits, including substantive uniformity, the availability of a federal forum for misappropriation litigation, and the creation of a unified national regime governing IP rights.

This Article engages in the first systematic critique of the claim that federalizing trade secrecy is normatively desirable. Ultimately, it concludes that there are multiple reasons for trade secrecy to remain primarily the province of state law, including preservation of states' ability to engage in limited experimentation regarding the scope of trade secret protection and federalization's potential negative impact on the disclosure of patent-eligible inventions. Finally, it proposes an alternative approach—a modest expansion of federal courts' jurisdiction over state law trade secret claims—that can help address the issue of trade secret theft without requiring outright federalization.

Ongoing Royalties in Patent Cases After eBay: An Empirical Assessment and Proposed Framework, 23 TEXAS INTELLECTUAL PROPERTY LAW JOURNAL 203 (2015) (symposium contribution).

Abstract:

The Supreme Court's landmark decision in eBay Inc. v. MercExchange, L.L.C., significantly changed the remedial landscape for patent owners, holding that a permanent injunction would not automatically follow a finding that an asserted patent was infringed and not invalid. As a result, a substantial number of prevailing patentees have been denied the ability to exclude future acts of infringement. eBay's impact is perhaps most acute for patent assertion entities ("PAEs")—firms that own, license, and assert patents in litigation, but do not themselves directly practice the patented technology—who rarely can satisfy eBay's four-factor test.

In eBay's wake, the Federal Circuit has approved an alternative prospective remedy called an ongoing royalty. But despite lower courts' increasing use of this remedy, numerous questions about the structure and methodology for determining an ongoing royalty remain unresolved. This Article addresses the issue of ongoing royalty awards from both an empirical and doctrinal perspective. First, it reports the results of an original empirical study regarding ongoing royalty awards by district courts since eBay. Second, it proposes a new framework for computing an ongoing royalty that requires consideration of actual or anticipated changes to the relevant product market, as well as potential future alternatives to the patented technology, in determining the amount of an ongoing royalty award.

Standards of Proof in Civil Litigation: An Experiment from Patent Law, 26 HARVARD JOURNAL OF LAW & TECHNOLOGY 429 (2013) (with David L. Schwartz).

Abstract:

Standards of proof are widely assumed to matter in litigation. They operate to allocate the risk of error between litigants, as well as to indicate the relative importance attached to the ultimate decision. But despite their perceived importance, there have been relatively few empirical studies testing jurors' comprehension and application of standards of proof, particularly in civil litigation.

Patent law recently presented an opportunity to assess the potential impact of varying the standard of proof in civil cases. In Microsoft Corp. v. i4i Limited Partnership, the Supreme Court held that a patent's presumption of validity can only be overcome by clear

and convincing evidence. However, it also explained that the jury should be instructed that it may be easier to satisfy this standard when the party challenging the patent's validity offered evidence that was not previously been considered by the U.S. Patent & Trademark Office.

In this project, we conducted an experimental study to test the impact of standards of proof in patent invalidity challenges. We found that delivering the jury instruction directed by the i4i decision resulted in mock jurors finding a patent invalid at rates statistically indistinguishable from the preponderance of the evidence standard explicitly rejected by the Court in that case. This surprising result suggests that Microsoft may have actually achieved its desired outcome in i4i by making it easier for juries to invalidate questionable patents, even though it lost the case.

Best Mode Trade Secrets, 15 YALE JOURNAL OF LAW & TECHNOLOGY 1 (2012) (with Brian J. Love).

- Reprinted in INTELLECTUAL PROPERTY LAW REVIEW—2013 (Thomson Reuters) as one of the top law review articles related to intellectual property.

Abstract:

Trade secrecy and patent rights traditionally have been considered mutually exclusive. Trade secret rights are premised on secrecy. Patent rights, on the other hand, require public disclosure. Absent a sufficiently detailed description of the invention, patents are invalid. However, with the passage of the Leahy-Smith America Invents Act (“ALA”) last fall, this once black-and-white distinction may melt into something a little more gray. Now, an inventor’s failure to disclose in her patent the preferred method for carrying out the invention—the so-called “best mode”—will no longer invalidate her patent rights or otherwise render them unenforceable.

In this Essay, we explain why it may become routine post-patent reform for patentees to attempt to assert both patent rights and trade secret rights for preferred embodiments of their invention in certain types of cases. We also consider potentially undesirable ramifications of this change and suggest one approach courts may use to limit claims of concurrent trade secret and patent protection when equity demands.

Willful Patent Infringement and Enhanced Damages After In re Seagate: An Empirical Study, 97 IOWA LAW REVIEW 417 (2012).

- Cited in merits briefs by parties and numerous amici in *Halo Electronics, Inc. v. Pulse Electronics, Inc.*, 136 S. Ct. 1923 (2016) (Nos. 14-1513, 14-1520).
- Ranked #6 in in All Time Most Downloaded Papers for SSRN’s [Judgements & Remedies \(Topic\)](#) (as of 9/19/16)

Abstract:

Willful patent infringement is a critical issue in patent litigation, as it can result in an award of up to treble (enhanced) damages. In a 2007 decision, In re Seagate, 497 F.3d 1360 (en banc), the Federal Circuit significantly altered the standard governing willful

infringement by requiring the patentee to prove at least "objective recklessness" by the accused infringer. Many observers predicted that this heightened standard would result in far fewer willfulness findings and enhanced damage awards. To date, however, there has been no comprehensive empirical study of Seagate's actual impact in patent litigation.

This paper fills that gap by analyzing six years of decisions in the district courts—three years before and after Seagate—on willful patent infringement and enhanced damages. Surprisingly, it determines that willful infringement was found only about 10% fewer cases after Seagate. In addition, after Seagate, juries find willful infringement substantially more often than judges at trial. However, enhanced damages are awarded less frequently and in lower amounts when juries find willfulness compared to judges.

Finally, this Article evaluates the impact of several common factors on willful infringement decisions after Seagate. Based on the data collected, the existence of a "substantial" or "legitimate" defense to infringement is the strongest predictor of a finding of no willfulness after Seagate, while evidence of copying by the accused infringer was the strongest predictor of willfulness. In contrast, the remaining factors studied—opinions of counsel, attempts to design around the patent, reexamination at the PTO, and bifurcation of willfulness from liability at trial—had no statistically significant effect on willfulness decisions.

Reconsidering the Georgia-Pacific Standard for Reasonable Royalty Patent Damages, 2010 BYU LAW REVIEW 1661.

Abstract:

Determining damages for infringement is one of the most important and controversial issues in contemporary patent litigation. The current fifteen-factor Georgia-Pacific standard for determining a reasonable royalty has become increasingly difficult for juries to apply in patent disputes involving complex, high-technology products, resulting in unpredictable damage awards that tend to overcompensate patentees.

This Article proposes an alternative standard to Georgia-Pacific when an acceptable noninfringing substitute exists for the patented technology. Specifically, in a hypothetical bargain for a patent license, both economic and negotiation theory explain that a rational patent licensor would agree to pay only the costs it would incur to adopt and implement a noninfringing substitute technology, plus any lost benefits related to the substitute's use. Indeed, the Federal Circuit already has recognized an analogous limitation on damages in the context of lost profits, although it has defined the universe of alternatives too narrowly by refusing to consider imperfect substitutes for the patented technology.

BOOK CHAPTER:

Empirical Studies Related to Patents—Presumption of Validity, in 2 THE HANDBOOK OF ECONOMICS OF INTELLECTUAL PROPERTY LAW (Ben Depoorter, Peter Menell & David Schwartz eds., Edward Elgar, forthcoming 2016).

Abstract:

This book chapter from the forthcoming Research Handbook on the Economics of Intellectual Property Law addresses the presumption of validity for issued patents. It first recounts the historical development of the presumption in U.S. law, culminating with the Supreme Court's 2011 decision in Microsoft Corp. v. i4i Limited Partnership, which held that clear and convincing evidence is required to overcome the statutory presumption of validity in all cases. It then discusses the theoretical arguments for and against the presumption of validity. The next section surveys the current empirical literature, focusing on observational and experimental studies that attempt to assess the impact of the clear and convincing standard of proof required to overcome the presumption in an invalidity challenge. In sum, the existing empirical scholarship suggests that the presumption of validity and the standard of proof to overcome it matters in patent litigation, at least in close cases. The final section discusses several significant implications for participants in patent litigation and the patent system that flow from this conclusion.

COMMENTS, RESPONSES, AND SHORTER WORKS:

Introduction: The Defend Trade Secrets Act of 2015, 72 WASHINGTON AND LEE LAW REVIEW ONLINE 278 (2015) (introduction to online roundtable on Defend Trade Secrets Act).

Comment on “Groove is in the Hart”: A Workable Solution for Applying the Right of Publicity to Video Games, 72 WASHINGTON AND LEE LAW REVIEW 399 (2015) (invited comment on student Note for Law Review’s annual Student Notes Colloquia).

American Innovation and the Limits of Patent Law: A Response to William Hubbard, Competitive Patent Law, 65 FLORIDA LAW REVIEW FORUM 23 (2013) (invited response to Professor Hubbard’s article).

VOTING RIGHTS / ELECTION LAW

ARTICLES:

An Uncertain Future for Section 5 of the Voting Rights Act: The Need for a Revised Bailout System, 30 ST. LOUIS UNIVERSITY PUBLIC LAW REVIEW 9 (2010) (symposium contribution).

Abstract:

In Northwest Austin Municipal Utility District No. 1 v. Holder (“NAMUDNO”), 129 S. Ct. 2504 (2009), the Supreme Court declined to decide one of last Term’s most prominent issues: the constitutionality of the 2006 renewal of Section 5 of

the Voting Rights Act. Instead, the Court adopted an unexpected statutory construction permitting the plaintiff to seek an exemption called "bailout" from continued coverage under this provision. But even though the Court avoided directly ruling on its constitutionality, NAMUDNO left little doubt that Section 5 remains on shaky constitutional ground.

A revised bailout system is likely the best approach for placing Section 5 on a more solid footing. To date, however, bailout has been little used; despite predictions made during the previous renewal of Section 5 in 1982, only a handful of the thousands of covered jurisdictions have sought and successfully obtained bailout. This paper suggests that Congress should adopt two major changes to the existing bailout system. First, Congress should implement an "automatic" bailout that would unilaterally remove from coverage all jurisdictions that have not violated the major provisions of the Voting Rights Act since the 1982 renewal. Second, the current requirements for obtaining bailout - which this paper calls "optional" bailout - should be revised to make it easier for jurisdictions to determine whether they are eligible. Adopting these changes will more narrowly tailor Section 5 to apply to jurisdictions with a recent history of discrimination in voting, and thus make it more likely to survive constitutional scrutiny the next time the issue is before the Court.

The End of Preclearance As We Knew It: How The Supreme Court Transformed Section 5 of the Voting Rights Act, 11 MICHIGAN JOURNAL OF RACE & LAW 275 (2006) (with Peyton McCrary & Richard Valelly).

- Findings cited in *LaRoque v. Holder*, 831 F. Supp. 2d 183 (D.D.C. 2011).
- Draft entered into record in *Voting Rights Act: Section 5—Preclearance Standards*, Hearing Before the Subcommittee of the Constitution, House Judiciary Committee, 109th Congress (Nov. 1, 2005) (Serial No. 109-69).

Abstract:

Section 5 of the Voting Rights Act of 1965 requires certain jurisdictions with a history of racial discrimination to obtain "preclearance" of proposed electoral changes from the United States Department of Justice or a three-judge panel in the United States District Court for the District of Columbia. This provision, which is set to expire in August 2007, has successfully reduced racial and ethnic discrimination in voting.

*The United States Supreme Court determined in a 5-4 decision, *Reno v. Bossier Parish School Board*, 528 U.S. 230 (2000), that Section 5's prohibition on the enforcement of electoral changes which have a discriminatory purpose does not apply to electoral changes that were not intended to "retrogress," or make worse, the position of minority voters. This interpretation upset a long-standing consensus among executive, legislative, and judicial actors that Section 5 prohibited all changes enacted with an unconstitutional discriminatory purpose, not just those which made minority voters worse off. This Article explains how the Bossier majority dramatically transformed Section 5 and demonstrates, through an empirical analysis of the Justice Department's Section 5 objection letters, how it significantly weakened the statute's ability to protect minority voting rights. It concludes by arguing that Congress should amend Section 5 in 2007 to supersede the Bossier decision.*

BOOK CHAPTER:

The Law of Preclearance: Enforcing Section 5 of the Voting Rights Act, in THE FUTURE OF THE VOTING RIGHTS ACT (David L. Epstein et al. eds. 2006) (with Peyton McCrary & Richard Valelly).

OP-ED:

The Adverse Impact of Pennsylvania's Voter ID Law, CENTRE DAILY TIMES (State College, PA), Sept. 15, 2012, at 6.

WORKS-IN-PROGRESS

Obvious to Collaborate (formerly *Collaboration and Patentability*).

Toward a Federal Jurisprudence of Trade Secret Law (with Sharon K. Sandeen).

AMICUS BRIEFS

Counsel of Record and Co-Author, *Brief Amicus Curiae of Intellectual Property Professors in Support of Neither Party*, No. 14-1513, *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, and No. 14-1520, *Stryker Corp. v. Zimmer, Inc.* (U.S. Supreme Court, filed Dec. 16, 2015) (regarding the appropriate standard for awarding enhanced damages in patent litigation).

RESEARCH GRANTS AND AWARDS

FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY, Young Legal Scholars Paper Competition (2016).

- Winner of paper competition for empirical study of permanent injunction decisions by the U.S. Court of Appeals for the Federal Circuit.

LEONARDO DA VINCI RESEARCH GRANT, Center for the Protection of Intellectual Property, George Mason University School of Law (2015).

- Research grant for empirical study of permanent injunction decisions by the U.S. Court of Appeals for the Federal Circuit.

STANFORD-SAMSUNG PATENT PRIZE (2010-2011).

- Award for outstanding new paper related to patent remedies (one of nine winners competitively selected from over 100 entries).

SELECTED PRESENTATIONS AND CONFERENCES

INTERNATIONAL PATENT REMEDIES FOR COMPLEX PRODUCTS (INPRECOM) PROJECT, King's College London, UK (Oct. 2016) and Arizona State University Sandra Day O'Connor College of Law, Phoenix, AZ (Mar. 2017).

- Group Leader: *Lost Profits Damages and Disgorgement of Defendant's Profits*

PATENT DAMAGES CONFERENCE, University of Texas School of Law, Austin, TX (June 2016).

- Moderator: *Panel on Damages Assessments*

3RD ANNUAL ROUNDTABLE ON EMPIRICAL METHODS IN INTELLECTUAL PROPERTY, U.S. Patent & Trademark Office (co-sponsored by Northwestern Law School and Cardozo Law School), Alexandria, VA (Apr. 2016).

- Presentation: *Patent Renewal Rates After Alice*

PENN INTELLECTUAL PROPERTY GROUP SYMPOSIUM, University of Pennsylvania Law School, Philadelphia, PA (Mar. 2016).

- Panelist: *Debate – The Defend Trade Secrets Act*

SUPREME COURT SERIES, Program on Information Justice & Intellectual Property, American University Washington College of Law, Washington, DC (Feb. 2016).

- Panelist: *Halo Electronics, Inc. v. Pulse Electronics, Inc. and Stryker Corp. v. Zimmer, Inc.*
Recording available at: <https://youtu.be/ZMytVTQNrGQ>

2016 WORKS-IN-PROGRESS INTELLECTUAL PROPERTY (WIPIP) COLLOQUIUM, University of Washington School of Law, Seattle, WA (Feb. 2016).

- Paper Presented: *Collaboration and Patentability*

4TH ANNUAL UNIVERSITY OF TORONTO PATENT COLLOQUIUM, University of Toronto Faculty of Law, Toronto, CA (Nov. 2015).

- Panelist: *The Expanding Nature of Patent Infringement Remedies Being Sought* (presentation on recent empirical scholarship on permanent injunctions and ongoing royalties)

4TH ANNUAL MID-ATLANTIC PATENT LAW WORKS-IN-PROGRESS WORKSHOP, American University Washington College of Law, Washington, D.C. (Nov. 2015).

- Paper Presented: *Collaboration and Patentability*

FACULTY WORKSHOP, Elon University School of Law, Greensboro, NC (Oct. 2015).

- Paper Presented: *Permanent Injunctions in Patent Litigation After eBay: An Empirical Study*

VIRGINIA STATE BAR ASSOCIATION, Intellectual Property Fall CLE Weekend Seminar, Alexandria, VA (Sept. 2015).

- Presentation: *Federal Trade Secret Law – An Update on Proposed Legislation*

LAW AND ECONOMICS OF INTELLECTUAL PROPERTY HANDBOOK CONFERENCE, Northwestern University School of Law, Chicago, IL (Aug. 2015)

- Book Chapter Presented: *Empirical Studies Relating to Patents – Presumption of Validity*

PATCON 5: THE 5TH ANNUAL PATENT CONFERENCE, University of Kansas Law School, Lawrence, KS (Apr. 2015).

- Paper Presented: *Permanent Injunctions in Patent Litigation after eBay: An Empirical Study*

SYMPOSIUM: PATENT ASSERTION ENTITIES, *Texas Intellectual Property Law Journal*, University of Texas Law School, Austin, TX (Feb. 2015).

- Paper Presented: *Ongoing Royalties as an Alternative to Injunctive Relief for Patent Assertion Entities (PAEs): An Empirical and Theoretical Assessment*

WORKS IN PROGRESS INTELLECTUAL PROPERTY (WIPIP) COLLOQUIUM, United States Trademark and Patent Office, Alexandria, VA (Feb. 2015).

- Presentation: *Permanent Injunctions in Patent Litigation after eBay: An Empirical Study*

ATLANTA BAR ASSOCIATION, Intellectual Property and Labor & Employment Law Sections, Atlanta, GA (Jan. 2015).

- Presentation: *Federal Trade Secrets Legislation*

TRADE SECRET SUMMIT, American Intellectual Property Law Association, Intel Corp., Santa Clara, CA (Dec. 2014).

- Panelist: *Should Trade Secrets Law Be Federalized? A Debate on the Need for a Federal Civil Remedy and Its Interplay with the Uniform Trade Secrets Act*

TRADE SECRET INSTITUTE SYMPOSIUM, “Trade Secrets Law at the Edge,” Brooklyn Law School, New York, NY (Oct. 2014).

- Panelist: *Federal Trade Secret Reform*

FACULTY WORKSHOP, Wake Forest University School of Law, Winston-Salem, NC (Oct. 2014).

- Paper Presented: *The Case Against Federalizing Trade Secrecy*

VIRGINIA STATE BAR ASSOCIATION, Intellectual Property Fall CLE Weekend Seminar, Alexandria, VA (Sept. 2014).

- Panelist: *Update on Supreme Court Intellectual Property Decisions*

VANDERBILT IP SCHOLARS ROUNDTABLE, Vanderbilt University Law School, Nashville, TN (Apr. 2014).

- Paper Presented: *The Case Against Federalizing Trade Secrecy*

2014 TRADE SECRET WORKSHOP, University of Florida Levin College of Law, Gainesville, FL (Feb. 2014).

- Paper Presented: *The Case Against Federalizing Trade Secrecy*

CESIP/USPTO EMPIRICAL METHODS IN IP WORKSHOP, IIT Chicago-Kent College of Law, Chicago, IL (Oct. 2013).

- Research Project Presented: *Property Rules vs. Liability Rules in Patent Litigation after eBay: An Empirical Study*

2ND ANNUAL MID-ATLANTIC PATENT LAW WORKS-IN-PROGRESS WORKSHOP, American University Washington College of Law, Washington, D.C. (Sept. 2013).

- Paper Presented: *The Case Against Federalizing Trade Secrecy*

13TH ANNUAL INTELLECTUAL PROPERTY SCHOLARS CONFERENCE, Cardozo Law School, New York, NY (Aug. 2013).

- Paper Presented: *The Case Against Federalizing Trade Secrecy*

VIRGINIA JUNIOR FACULTY FORUM, University of Richmond School of Law, Richmond, VA (Apr. 2013).

- Paper Presented: *The Case Against Federalizing Trade Secrecy*

FACULTY WORKSHOP, William & Mary Law School, Williamsburg, VA (Mar. 2013).

- Paper Presented: *The Case Against Federalizing Trade Secrecy*

WORKS-IN-PROGRESS IN INTELLECTUAL PROPERTY (WIPIP) CONFERENCE, Seton Hall University School of Law, Newark, NJ (Feb. 2013).

- Paper Presented: *Improving Patent Joint Ownership*

7TH ANNUAL CONFERENCE ON EMPIRICAL LEGAL STUDIES (CELS), Stanford University Law School, Palo Alto, CA (Nov. 2012).

- Paper Presented: *Standards of Proof in Civil Litigation: An Experiment from Patent Law*

MID-ATLANTIC PATENT LAW WORKS-IN-PROGRESS WORKSHOP, American University Washington College of Law, Washington, DC (Sept. 2012).

- Paper Presented: *Improving Patent Joint Ownership*

INTELLECTUAL PROPERTY SCHOLARS ROUNDTABLE, Drake University Law School, Des Moines, IA (Apr. 2012).

- Paper Presented: *The Presumption of Validity in Patent Litigation: An Experimental Study*

WORKS-IN-PROGRESS IN INTELLECTUAL PROPERTY (WIPIP) CONFERENCE 2012, University of Houston Law Center, Houston, TX (Feb. 2012).

- Paper Presented: *The Presumption of Validity in Patent Litigation: An Experimental Study*

2011 ANNUAL MEETING, AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION, Washington, DC (Oct. 2011).

- Panelist: *Understanding the Real Value of Your Patent Portfolio* (presented findings from IOWA LAW REVIEW article on willful patent infringement and enhanced damages).

2ND ANNUAL SUPREME COURT IP REVIEW, IIT Chicago-Kent College of Law, Chicago, IL (Sept. 2011).

- Moderator: Panel discussion of *Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems*, 131 S. Ct. 2188 (2011).

PATCON: 1ST ANNUAL PATENT CONFERENCE, University of Kansas Law School, Lawrence, KS (Apr. 2011).

- Paper: *Toward an Optimal Regime for Joint Ownership of Intellectual Property*

SAMSUNG-STANFORD CONFERENCE ON PATENT REMEDIES, Stanford University Law School, Palo Alto, CA (Feb. 2011).

- Paper Presented: *Willful Patent Infringement and Enhanced Damages After In re Seagate: An Empirical Study*

10TH ANNUAL INTELLECTUAL PROPERTY SCHOLARS CONFERENCE, University of California-Berkeley Law School, Berkeley, CA (Aug. 2010).

- Paper Presented: *The Reports of Willfulness's Demise Are Greatly Exaggerated: An Empirical Study of Willful Patent Infringement After In re Seagate*

SYMPOSIUM: VOTING 45 YEARS AFTER THE VOTING RIGHTS ACT, *Saint Louis University Public Law Review*, Saint Louis University Law School, Saint Louis, MO (Mar. 2010).

- Paper Presented: *An Uncertain Future for Section 5: The Need for a Revised Bailout System*

EDUCATION

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, J.D. 2004.

- Executive Editor, *University of Pennsylvania Law Review*
- Edwin R. Keedy Award (for most scholarly contribution to the *Law Review*)
- Arthur Littleton & H. Clayton Louderback Legal Writing Instructor
- Lipman Redman Prize (for best first-year appellate brief)
- Semifinalist, Edwin R. Keedy Cup Moot Court Competition

SWARTHMORE COLLEGE, B.A., 2000.

History (major), Public Policy (concentration).

- J. Roland Pennock Fellowship in Public Affairs, 1999
- Public Policy Summer Internship Grant, 1998

LEGAL PRACTICE AND OTHER WORK EXPERIENCE

SIDLEY AUSTIN LLP, Chicago, IL.

Associate, Intellectual Property Litigation Practice Group, 2005 - 2009.

- Litigated patent, copyright, trademark, and trade secret matters in federal and state courts.

THE HON. R. BARCLAY SURRICK, U.S. District Court for the Eastern District of Pennsylvania, Philadelphia, PA.

Judicial Law Clerk, 2004 - 2005.

O'MELVENY & MYERS LLP, Washington, DC.

Summer Associate, Summer 2003 (offer of full-time employment extended).

THE HON. CAROL SANDRA MOORE WELLS, Magistrate Judge, U.S. District Court for the Eastern District of Pennsylvania, Philadelphia, PA.

Judicial Intern, Summer 2002.

PROF. NATHANIEL PERSILY, University of Pennsylvania Law School, Philadelphia, PA.

Research Assistant, Summer 2002.

DR. PEYTON MCCRARY, Eugene Lang Visiting Professor of Social Change, Swarthmore College, Swarthmore, PA.

Research Assistant, Summer 1999.

BAR ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Northern District of Illinois (General)
- Illinois
- Pennsylvania

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- Federal Circuit Bar Association
- American Intellectual Property Law Association (AIPLA)
- Society for Empirical Legal Studies (SELS)

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