

PAUL M. SCHOENHARD

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schoenhard@gmail.com

ACADEMIC INTERESTS

Research: My research focuses on the boundaries and enforceability of intellectual property rights, with special attention to the delicate balance of public benefit and private right and to the impact of intellectual property laws on the United States' relationship with its international trading partners.
Core subjects: Intellectual Property (Patents, Trademarks); International Trade; Real Property.
Additional subjects: Contracts; Torts; Civil Procedure.

EDUCATION

HARVARD LAW SCHOOL, J.D.

June 2003

Research grant: Mark DeWolfe Howe Fund
Journal work: *Harvard Journal of Law and Public Policy* (Executive Editor)
Harvard Journal of Law and Technology (Article Editor)

DUKE UNIVERSITY SCHOOL OF LAW, Visiting Student, 2002–2003

DARTMOUTH COLLEGE, B.A., High Honors in Mathematics, Computer Science minor

June 2000

Honors: *magna cum laude*
Phi Beta Kappa
Presidential Scholar
Phillips Award in Applied and Professional Ethics
Francis L. Town Scientific Prize in Mathematics
Thesis: *Least Crossings of Complete Graphs: An Iterative Approach*

ADMISSIONS

District of Columbia Bar
Virginia State Bar
U.S. Court of Appeals for the Federal Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. District Court for the District of Columbia
U.S. District Court for the Eastern District of Virginia
U.S. District Court for the Southern District of Texas

EXPERIENCE

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, Washington, DC

Law Clerk to the Honorable Arthur J. Gajarsa

Oct. 2008 – present

ROPES & GRAY LLP (formerly FISH & NEAVE), Washington, DC / Palo Alto, CA

Associate

Sept. 2003 – Oct. 2008

Summer Associate

June – Aug. 2001

Engaged in patent litigation in federal courts and the U.S. International Trade Commission. Briefed, argued and secured summary judgment of infringement in patent case; prepared cases for trial; took and defended fact and expert depositions; worked closely with expert witnesses.

Pro bono work: Represented non-profit voter registration and advocacy groups in National Voter Registration Act and First Amendment rights cases.

UNIVERSITY OF UTAH, Salt Lake City, UT

Visiting Associate Professor, S.J. Quinney College of Law

Aug. – Dec. 2007

Taught Intellectual Property Survey (3 credits); Trademark & Unfair Competition Law (3 credits).

Advised students interested in research and writing on topics related to intellectual property law.

WOMBLE CARLYLE SANDRIDGE & RICE, Research Triangle Park, NC

Research Assistant

Apr. – Sept. 2003

Researched issues relating to regional governance and Smart Growth. Prepared two papers for presentation to the North Carolina chapter of the American Planning Association.

DUKE UNIVERSITY SCHOOL OF LAW, Durham, NC

Research Assistant to Professor Steven L. Schwarcz

Sept. 2002 – Aug. 2003

Researched principles governing corporate disclosure and securitization. Assisted with editing several of Professor Schwarcz's articles, including: *Rethinking the Disclosure Paradigm in a World of Complexity*, 2004 U. ILL. L. REV. 1 (2004), and *Securitization Post-Enron*, 25 CARDOZO L. REV. 1539 (2004).

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- EXPERIENCE** **VENABLE, BAETJER, HOWARD & CIVILETTI, LLP**, Washington, DC
(cont'd) *Summer Associate* **July – Aug. 2002**
- SHAW PITTMAN LLP**, Washington, DC
Summer Associate **May – June 2002**
- HARVARD LAW SCHOOL**, Cambridge, MA
Research Assistant to Professor Oliver Oldman **Feb. – Oct. 2001**
Researched banking law, concentrating on state taxation issues and the effects of the Gramm-Leach-Bliley Act of 1999. Drafted chapter for textbook revision.
- ORACLE CORPORATION**, Redwood Shores, CA **June – Aug. 2000**
Intern, Office of the General Counsel/Patent Operations **Mar. – Sept. 1999**
Researched the impact of e-commerce on Oracle's licensing and contracting arrangements. Drafted software license assignments and partnership agreements. Researched and wrote opinions on patent infringement issues.
- DARTMOUTH COLLEGE**, Hanover, NH
Teaching Assistant, Computer Science Dept., "Introduction to Programming" **Sept. – Dec. 1999**
Teaching Assistant, Computer Science Dept., "Data Structures" **Sept. – Dec. 1997**
Provided supplementary lectures; conducted office hours; graded exams and programming work.
- CHICAGO DEPT. OF PUBLIC HEALTH**, Chicago, IL **June – Aug. 1997**
Statistical Consultant
Audited and conducted statistical analyses of cumulative sexually transmitted disease data (1986-1996). Prepared data requests for program administrators, the Centers for Disease Control and Prevention, and community planning groups.

WRITTEN WORK

- In Progress *Just Passing Through: Whether U.S. Law Should Reach the Transshipment of Patented Goods.*
A Model for the Assessment of Patent Damages Attributable to Downstream International Sales.
Testing the Three-Dimensional Approach to the Public-Private Distinction.
- Law Reviews *Reconceptualizing Inventive Conception: Strengthening, Not Abandoning the First-to-Invent System*,
17 FED. CIR. B.J. 567 (2008).
A Three-Dimensional Approach to the Public-Private Distinction, 2008 UTAH L. REV. 635.
Who Took My IP?: Defending the Availability of Injunctive Relief in Patent Cases,
16 TEX. INTELL. PROP. L.J. 187 (2008).
Reversing the Reversal Rate: Using Real Property Principles to Guide Federal Circuit Patent Jurisprudence, 17 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 299 (2007).
Why Marks Have Power Beyond the Rights Conferred: The Conflation of Trademarks and Service Marks,
87 J. PAT. & TRADEMARK OFF. SOC'Y 970 (2005).
Book Note, *Genetically Modified Foods: Debating Biotechnology*, 16 HARV. J.L. & TECH. 559 (2003).
Note, *Disclosure of Government Information Online: A New Approach from an Existing Framework*,
15 HARV. J.L. & TECH. 497 (2002).
Comment, *The End of Compelled Contributions for Advertising: United States v. United Foods*,
25 HARV. J.L. & PUB. POL'Y 1185 (2002).
Book Note, *The Internet Upheaval: Raising Questions, Seeking Answers in Communications Policy*,
14 HARV. J.L. & TECH. 767 (2001).

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WRITTEN WORK

- Other *Commercial Speech*, in *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* ____
(forthcoming 2008).
- Should Foreign Sales Figure in Domestic Damages?: Recently, the Federal Circuit Declined to Address the Issue*, NAT'L L.J., Jan. 21, 2008, at S8.
- No Trespassing: The Supreme Court Should Buttress Patent Owners' Right to Refuse*, LEGAL TIMES, May 8, 2006, at 42.
- Judging Trial Judges: Despite What Professor Kimberly Moore Told Congress in October, There Is No Need for Specialized Patent Judges*, IP L. & BUS., Mar. 2006, at 22.
- Awards of Attorney Fees in ANDA Infringement Suits*, INTELLECTUAL PROPERTY—USA (International Law Office, London, UK), Sept. 6, 2004 (with Richard L. Rainey).
- Tariff Act and Imports of Products Manufactured by Patented Processes*, INTELLECTUAL PROPERTY—USA (International Law Office, London, UK), June 14, 2004 (with Richard L. Rainey).
- Federal Circuit's First Review of Section 272 of the Patent Act*, INTELLECTUAL PROPERTY—USA (International Law Office, London, UK), Mar. 22, 2004 (with Richard L. Rainey).
- Medichem: A New Standard of Review for Patent Interference Practice*, INTELLECTUAL PROPERTY—USA (International Law Office, London, UK), Jan. 26, 2004 (with Richard L. Rainey).
- Festo IX and the Future of Prosecution History Estoppel*, INTELLECTUAL PROPERTY—USA (International Law Office, London, UK), Nov. 10, 2003 (with Richard L. Rainey).

ASSOCIATIONS American Intellectual Property Law Association
American Bar Association
Virginia Bar Association
OBG Cocker Spaniel Rescue

REFERENCES Academic	Martha L. Minow , Jeremiah Smith, Jr. Professor of Law, Harvard Law School Griswold 407, Cambridge, MA 02138 minow@law.harvard.edu 617-495-4276
	Jonathan L. Zittrain , Professor of Law, Harvard Law School Griswold 505, Cambridge, MA 02138 zittrain@law.harvard.edu 617-495-4643
	Steven L. Schwarcz , Stanley A. Star Professor of Law & Business, Duke University School of Law Box 90362, Durham, NC 27708 schwarcz@law.duke.edu 919-613-7060
	David L. Lange , Melvin G. Shimm Professor of Law, Duke University School of Law Box 90360, Durham, NC 27708 lange@law.duke.edu 919-613-7093
	Robert W. Adler , Associate Dean for Academic Affairs, University of Utah, S.J. Quinney College of Law 332 South 1400 East, Salt Lake City, UT 84112 adlerr@law.utah.edu 801-581-3791
	Christopher L. Peterson , Professor of Law, University of Utah, S.J. Quinney College of Law 332 South 1400 East, Salt Lake City, UT 84112 petersonc@law.utah.edu 801-581-6655
Professional	Steven Y. Pepe , Partner, Ropes & Gray LLP 1211 6th Ave., New York, NY 10036 steven.pepe@ropesgray.com 212-596-9046
	Richard L. Rainey , Partner, Covington & Burling LLP 1201 Pennsylvania Ave. NW, Washington, DC 20004 rrainey@cov.com 202-662-5441
	Thomas L. Stoll , Associate Solicitor, United States Patent and Trademark Office M/S 8, PO Box 1450, Alexandria, VA 22313 thomas.stoll@uspto.gov 571-272-8752