

# **MARK D. JANIS**

**Robert A. Lucas Chair in Law  
Indiana University Maurer School of Law  
211 S. Indiana Ave.  
Bloomington, IN 47405  
(p) 812 855 1205  
(f) 812 855 0555  
mdjanis@indiana.edu**

## **EDUCATION**

J.D., Indiana University School of Law, Bloomington, IN (1989, *summa cum laude*; Order of the Coif)

B.S. Chemical Engineering, Purdue University, West Lafayette, IN (1986, with distinction)

## **EXPERIENCE**

**Professor of Law, Indiana University Maurer School of Law, Bloomington, Indiana (2010- )**

Robert A. Lucas Chair in Law, Indiana University Maurer School of Law, Bloomington, Indiana (2010- )

Professor of Law and Ira C. Batman Faculty Fellow, Indiana University Maurer School of Law, Bloomington, Indiana (2009-2010)

**Professor of Law, University of Iowa College of Law, Iowa City, Iowa (1995-2009)**

H. Blair & Joan V. White Chair in Intellectual Property Law, University of Iowa College of Law, Iowa City, Iowa (2006-9)

H. Blair & Joan V. White Intellectual Property Law Scholar, University of Iowa College of Law, Iowa City, Iowa (2002-2006)

Professor of Law, University of Iowa College of Law, Iowa City, Iowa (1999-2009)

Associate Professor of Law, University of Iowa College of Law, Iowa City, Iowa (1995-1999)

**Associate, Barnes & Thornburg, Indianapolis, IN (1989-1995)**  
specialization: patent law

**Adjunct Professor of Law, Indiana University School of Law, Bloomington, Indiana  
(Spring 1994)**

## **PUBLICATIONS**

### **BOOKS**

IP AND ANTITRUST LAW: AN ANALYSIS OF ANTITRUST PRINCIPLES APPLIED TO INTELLECTUAL PROPERTY LAW (2001) (with Hovenkamp, Lemley, and Leslie) (2 vols.) (with annual updates 2002-2009) (2d ed. 2010) (annual updates 2011-)

TRADEMARKS & UNFAIR COMPETITION: LAW & POLICY (1<sup>st</sup> ed. 2004) (with Dinwoodie) (1<sup>st</sup> ed. supplements 2005, 2006) (2d. ed. 2007) (2d ed. supplements 2008, 2009) (3d ed. 2010) (3d ed. supplement 2011, 2012)

TRADEMARK LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH (edited book) (with Dinwoodie) (Edward Elgar Publishing 2008 – hardbound) (2009 – paperbound)

TRADE DRESS AND DESIGN LAW (with Dinwoodie) (2010)

TRADEMARKS: CRITICAL CONCEPTS (with Dinwoodie) (edited collection; 2 vols.) (Edward Elgar – submitted – in press)

TRADEMARK & UNFAIR COMPETITION LAW IN A NUTSHELL (with Dinwoodie) (West Publishing, 2012)

### **BOOK CHAPTERS**

*Interface Issues in Plant Intellectual Property*, in OVERLAPPING INTELLECTUAL PROPERTY RIGHTS (Oxford 2012) (in press)

*Patenting Plants: A Comparative Synthesis*, in GLOBAL PERSPECTIVES ON PATENT LAW (Oxford 2012) (in press)

*Patent Pools*, in WAYNE DALE COLLISON (ED.), ISSUES IN COMPETITION LAW AND POLICY (ABA 2008)

*Unilateral Refusals to License in the US*, in FRANCOIS LEVEQUE & HOWARD SHELANSKI (EDS.), ANTITRUST, PATENTS AND COPYRIGHT (Elgar 2005) (with Hovenkamp & Lemley)

*"Minimal" Standards for Patent/Antitrust Under TRIPs*, in KEITH MASKUS & JEROME H. REICHMAN (EDS.), *INTERNATIONAL PUBLIC GOODS & TRANSFER OF TECHNOLOGY UNDER A GLOBALIZED INTELLECTUAL PROPERTY REGIME* (Cambridge 2005)

*Use, Constructive Use, and Registration in the United States*, in JEREMY PHILLIPS & ILANAH SIMON (EDS.), *TRADE MARK USE* (Oxford 2005) (with Dinwoodie)

*Themes in Federal Circuit Patent Jurisprudence, 2000-2001*, in HUGH HANSEN (ED.), *7 INTERNATIONAL INTELLECTUAL PROPERTY LAW & POLICY* (2002)

## **ARTICLES**

*Patent Law's Audience* (forthcoming, *Minnesota Law Review*) (with Timothy R. Holbrook)

*Designing the American Design Patent System*, 88 *IND. L.J.* - (2012-13) (with DuMont) (accepted)

*Functionality in Design Patent and Design Registration Systems*, -- *J. INTELL. PROP. L.* - (2012) (with DuMont) (accepted)

*Tuning the Obviousness Inquiry After KSR*, -- *WASH. J. LAW, TECH. & ARTS* - (2012) (essay) (in press)

*The False Allure of Patent Eligibility Restrictions in U.S. Law*, 43 *INT'L REV. IND. PROP. & COPYRIGHT* 1 (2012) (commentary)

*Liber Amicorum Joseph Straus*, 42 *INT'L REV. IND. PROP. & COPYRIGHT* 752 (2011) (book review)

*Design Patents After Egyptian Goddess*, 20 *FORDHAM INTELL. PROP. & ENT. L.J.* 816 (2010) (published remarks)

*International and Comparative Aspects of Trademark Dilution*, 17 *TRANSNATIONAL LAW AND CONTEMP. PROBLEMS* 603 (2008) (introduction to edited symposium volume) (with Yu, co-editor)

*Technological Change and the Design of Plant Variety Protection Regimes*, 82 *CHI.-KENT L. REV.* 1557 (2007) (with Smith)

*Confusion Over Use: Contextualism in Trademark Law*, 92 IOWA L. REV. 1599 (2007) (with Dinwoodie) (Winner, Ladas Award for Best Article on Trademark Law 2008, International Trademark Association) (reprinted, 98 TM. REPORTER 1086 (2008))

*Lessons from the Trademark Use Debate*, 92 Iowa L. Rev. 1703 (2007) (with Dinwoodie)

*Rules v. Standards for Patent Law in the Plant Sciences*, 24 LAW IN CONTEXT 54 (2006), also in JAY P. KESAN (ED.), SEEDS OF CHANGE (Oxford-CABI) (2007)

*Unilateral Refusals to License*, 2 J. COMPETITION L. & ECON. 1 (2006)(with Hovenkamp & Lemley)

*Supplemental Forms of IP Protection for Plants*, 1 MINNESOTA J. LAW SCI. TECH. 305 (2004), reprinted in 7 BIO-SCIENCE LAW REVIEW 32 (2005)

*Reforming Patent Validity Litigation: The "Dubious Preponderance"*, 19 BERKELEY TECH. L.J. 923 (2004)

*Equilibrium in a Technology-Specific Patent System*, 54 CASE W. R. L. REV. 743 (2004) (commentary)

*Balancing Ease and Accuracy in Assessing Pharmaceutical Exclusion Payments*, 88 MINN. L. REV. 712 (2004) (with Hovenkamp and Lemley)

*Anticompetitive Settlement of Intellectual Property Disputes*, 87 MINN. L. REV. 1719 (2003) (with Hovenkamp and Lemley)

*Intellectual Property Issues in Plant Breeding and Plant Biotechnology*, in BIOTECHNOLOGY, GENE FLOW, AND INTELLECTUAL PROPERTY RIGHTS: AN AGRICULTURAL SUMMIT, Purdue Univ. Pub. RB-995 (2002)

*Intellectual Property Protection for Plant Innovation: Unresolved Issues After J.E.M. v. Pioneer*, 20 NATURE/BIOTECHNOLOGY 1161 (2002) (with Kesan)

*U.S. Plant Variety Protection: Sound and Fury. . .?*, 39 U. HOUSTON L. REV. 727 (2002) (with Kesan) (reprinted in D. VAVER (ED.), INTELLECTUAL PROPERTY RIGHTS: CRITICAL CONCEPTS IN LAW (Vol. 3) (Routledge 2006)

*Transitions in IP and Antitrust*, 47 ANTITRUST BULLETIN 253 (2002)

*Patent Abolitionism*, 17 BERKELEY HIGH TECH. L.J. 899 (2002) (reprinted in JOSEPH SCOTT MILLER (ED.), PATENTS (CRITICAL CONCEPTS IN INTELLECTUAL PROPERTY SERIES) (Edward Elgar 2010)

*Sustainable Agriculture, Patent Rights, and Plant Innovation*, 9 IND. J. GLOBAL LEGAL STUDIES 91 (2001)

*Designing an Optimal Intellectual Property System for Plants: A Supreme Court Debate*, 19 NATURE/BIOTECHNOLOGY 981 (with Kesan) (October 2001)

*Patent Law in the Age of the Invisible Supreme Court*, 2001 ILLINOIS LAW REVIEW 387 (2001)

*On Courts Herding Cats: Contending with the Written Description Requirement*, 2 WASH. U. JOURNAL OF LAW & POLICY 55 (2000)

*Inter Partes Reexamination*, 10 FORDHAM INTELLECTUAL PROPERTY, MEDIA, AND ENTERTAINMENT LAW JOURNAL 481 (2000)

*Who's Afraid of Functional Claims: Reforming the Federal Circuit's §112, ¶6 Jurisprudence*, 15 SANTA CLARA COMP. & HIGH TECH. L. REV. 231 (1999)

*A Tale of the Apocryphal Axe: Repair, Reconstruction, and the Implied License in Intellectual Property Law*, 58 MD. L. REV. 423 (1999).

*Second Tier Patent Protection*, 40 HARVARD INTERNATIONAL LAW JOURNAL 151 (1999) (reprinted in 33 INTELLECTUAL PROPERTY REVIEW 17 (2001)).

*Rethinking Reexamination: Towards a Viable Administrative Revocation System for U.S. Patent Law*, 11 HARVARD JOURNAL OF LAW & TECHNOLOGY 1 (1997), excerpted in ROBERT P. MERGES & JANE GINSBURG, FOUNDATIONS OF INTELLECTUAL PROPERTY (2004).

*Unmasking Structural Equivalency: The Intersection of §112, ¶6 Equivalents and the Doctrine of Equivalents*, 4 ALBANY LAW JOURNAL OF SCIENCE & TECHNOLOGY 205 (1994).

*Judge & Jury Roles in Equivalents Analysis: Commentary on Malta v. Schulmerich Carillons*, 74 J. PATENT & TRADEMARK OFF. SOC'Y 621 (1992).

### **WORKS IN PROGRESS**

TRADEMARK & UNFAIR COMPETITION LAW IN A NUTSHELL (with Dinwoodie) (West, forthcoming 2012)

TRADEMARKS AND UNFAIR COMPETITION (student treatise) (with Dinwoodie and Austin) (Aspen)

INTELLECTUAL PROPERTY LAW OF PLANTS (treatise) (with Jervis and Peet) (Oxford, forthcoming 2012)

*Design Patent Protection for Graphical User Interfaces* (article, under preparation) (solicited for publication in China; republication in English, - *IP Theory* - (2012))

### **AWARDS**

Ladas Award for Best Article on Trademark Law 2008, International Trademark Association

University of Iowa Faculty Scholar Award, 2002-06 (to support research on intellectual property rights in plant biotechnology)

University of Iowa Collegiate Teaching Award, 2000-2001

University of Iowa Instructional Improvement Award, 2001 (to fund creation of a digital archive on image misappropriation in trademark and trade dress cases)

### **TEACHING ACTIVITIES**

#### **Courses Taught**

Patent Law (Fall '95, Fall '96, Spring '98, Spring '99, Spring '00, Spring '01, Fall '01, Fall '02, Fall '03, Fall '04, Fall '05, Fall '06, Fall '07, Fall '08, Fall '09, Fall '10, Fall '11)

Advanced Patent Law (Spring '11)

Patenting Complex Technologies (seminar) (Fall-Spring '01-'02)

Trademarks and Unfair Competition Law (Spring '97, Fall '97, Summer '99, Fall '99, Spring '01, Spring '02, Fall '02, Fall '03, Fall '04, Spring '07, Spring '08; Spring '09, Spring '10, Spring '11, Spring '12)

Copyright Law (Spring '96, Fall '99)

Advanced Issues in Intellectual Property (seminar) (Spring '97, Spring '99, Spring '00, Spring '04)

Innovation, Business and Law Colloquium (Spring '07, Fall '08)

Intellectual Property Colloquium (Spring 2010)

International Intellectual Property Law (Spring '04)

Introduction to Intellectual Property Law (Fall '05, Spring '07, Spring '08, Fall '11)

Intellectual Property Reading Tutorial (Fall '05)

Arts & Entertainment Law (January '06 intersession)

Natural Resources Law (Spring '96, Fall '96)

Property II (small section) (Spring '97, Fall '97); (large section) (Spring '99, Spring '00)

### Co-Curricular Activities

Host, Innovation Business and Law Practitioner-in-Residence Series (2007-08);  
Intellectual Property Practitioner-in-Residence Series (2009-present)

Co-Convener, 1<sup>st</sup> Trademark Scholars' Roundtable, Iowa City (Spring 2008)

Co-Convener, 2<sup>nd</sup> Trademark Scholars' Roundtable, Chicago (Spring 2010)

Co-Convener, 3<sup>rd</sup> Trademark Scholars' Roundtable, Bloomington (Spring 2011)

Supervisor, Independent Research Projects (Spring '96 -- present)

Faculty Advisor and director of Intellectual Property Mentor Program, Intellectual Property Law Society (1995-Spring 2009) (University of Iowa); (Fall 2009 - present) (Indiana University)

Faculty Advisor, Journal of Corporation Law (1997- Spring 2009)

Advisor, Trademarks/Unfair Competition Moot Court Teams (Spring 1998; Spring 2011)

### *Other Teaching Activities*

Visiting Instructor, Munich Intellectual Property Center, teaching Design Protection, January 2008; January 2009, January 2010.

Visiting Instructor, Oxford University, teaching Trademarks & Unfair Competition Law, July 2003; July 2005; July 2007.

Visiting Instructor, University of Victoria (British Columbia) School of Law, teaching Trademarks & Unfair Competition Law, July 2002, July 2004; July 2006.

Teaching Fellow, Summer Institute, Center for Advanced Study and Research in Intellectual Property (CASRIP), University of Washington School of Law, Seattle, WA, July 1999.

Instructor, University of Iowa Executive MBA Program, teaching Patents and Trademarks, December 2004; November 2005, December 2006, December 2007, October 2008, December 2009, December 2010.

Guest Instructor, Trademark and Unfair Competition Law, Rose-Hulman Institute of Tech., Terre Haute, IN, May 2010.

### **SERVICE AND PROFESSIONAL ACTIVITIES**

#### *Amicus Briefs*

Retractable Technologies, Inc., *et al.*, v. Becton, Dickinson and Company (with Donald E. Knebel, Timothy R. Holbrook and Todd G. Vare) (May 2012)

Ariad Pharmaceuticals, Inc., Massachusetts Institute of Technology, The Whitehead Institute for Biomedical Research, and The Presidents and Fellows of Harvard College v. Eli Lilly & Company, (with Timothy R. Holbrook) (October 2009)

#### *Government Testimony*

Federal Trade Commission, Spring 2002 Hearings on Intellectual Property and Antitrust (April 2002)



Department of Justice, Spring 2002 Hearings on Intellectual Property and Antitrust (May 2002)

**Presentations**

Presentation on Patent Law, UI Chemical Engineering Lecture Series, November, 1995.

Presentation on Patent Law, UI Biomedical Engineering Lecture Series, March, 1996.

Facilitator, Proposed Legislation Working Group, CIC Copyright Conference, May, 1996, Iowa City.

Presentations on Patent Law and Copyright Law, Iowa Intellectual Property Law Association Annual Meeting, October, 1996, Galena, Illinois.

Presentation on Patent Law, UI Biomedical Engineering Lecture Series, Fall, 1996

Presentation on Patent Law, UI Biocatalysis Seminar, October, 1996

Presentation: Litigation Concerning the Planning Provisions of the National Forest Management Act, UI Graduate Seminar in Urban Planning, Fall, 1996

Presentation: Trademark Dilution and Trade Dress Inherent Distinctiveness, Iowa Intellectual Property Law Association Annual Meeting, October, 1997, Des Moines, Iowa.

Presentation: The Blood Substitute: Scientific, Legal, and Business Aspects of Innovation, March 1998, Iowa City (moderator/organizer).

Presentation: Means Plus Function Expressions in Patent Claims, September, 1998, Finnegan Lectures, George Washington University Law School, Washington, D.C.

Presentation: Recent Developments in the Law of §112, ¶6, October, 1998, Iowa Intellectual Property Law Association Annual Meeting, Des Moines, Iowa

Presentation: Software Patents, UI Electrical and Computer Engineering Graduate Colloquium, November, 1998

Presentation: Software Patents, UI Mechanical Engineering lectures, March 1999

Presentation: Internet Patent and Trademark Issues, UI graduate course in information science, April 1999

Presentation: Litigating Medical Device Patents, UI Biomedical Engineering graduate seminar, Fall 1999

Presentation: Recent Developments Concerning the Written Description Requirement, October, 1999, Iowa Intellectual Property Law Association Annual Meeting, Cedar Rapids, Iowa

Presentation: The Future of the Written Description Requirement, April 2000, Washington University, St. Louis, MO

Invited Discussant: Law and Economics of Intellectual Property, April 2000, Vanderbilt University Law School, Nashville, TN

Presentation: The Supreme Court's Role in Patent Cases, April 2000, Univ. of Illinois Law School, Champaign-Urbana, IL

Presentation: Recent Developments in Inequitable Conduct Law, September 2000, Merchant & Gould, Minneapolis, MN

Presentation: Securing Durable Patents, October 2000, Iowa Intellectual Property Law Association Annual Meeting, Des Moines, Iowa.

Invited Commentary: E-Commerce and E-Quivalence: Defining the Scope of Internet Patents, George Washington U. Law School, October 2000, Washington D.C.

Presentation, Software and E-Commerce Patents, UI Electrical Engineering seminar, November, 2000.

Presentation: Introduction to Patent Law, UI Chemical Engineering Lecture Series, Spring 2001

Presentation: Sustainable Agriculture and Intellectual Property Rights in Plant Innovation, Conference on Sustainable Agriculture and GMO's, Indiana University School of Law, March 2001

Presentation: Federal Circuit Recent Developments, Fordham University School of Law, International Intellectual Property Law & Policy Conference, April 2001

Participant: Universal Odyssey: Discoveries in Genetics and Informatics, Grindavik, Iceland, May 2001

Presentation: Intellectual Property and Antitrust Law, National Contract Managers Association meeting, Cedar Rapids, IA, June 2001.

Presentations: Experimental Use and Plant Biotechnology; Litigating Patent Validity, High Technology Summit, University of Washington, Seattle, WA, July 2001

Presentation: On Sale Bar after *Pfaff*, October 2001, Iowa Intellectual Property Law Association Annual Meeting, Des Moines, Iowa.

Presentation: Patent Abolitionism, Berkeley Conference on Patent System Reform, Berkeley, California, March 2002

Panel Presentation, Bench, Bar, & Academia Panel on Patent Law Topics, ABA IP Section Spring Annual Meeting, Washington, D.C., April 2002.

Invited Commentary: Intellectual Property and Standards, Oracle Conference, George Washington U. Law School, Washington D.C., April 2002.

Presentation: Plant Variety Protection: Sound and Fury. . .?, IPIL (Univ. Of Houston) Conference, Santa Fe, New Mexico, May 2002.

Panel Presentation, Supreme Court's Role in Patent Cases (Festo Decision), Federal Circuit Bar Association Annual Meeting, San Diego, CA June 2002.

Presentation, IP Issues in Plant Innovation, Indiana Agricultural Summit, Indianapolis, Sept. 2002.

Presentation, Patent Law, UI Electrical Engineering Seminar, October 2002.

Panel Presentation, IP and Antitrust, ABA Annual Fall Forum, Washington, D.C., Nov. 2002.

Presentation, Patent Law, UI Chemical Engineering Seminar, November 2002.

Presentation, IP Issues in Informatics, UI Health Informatics Seminar, November 2002.

Presentation: The Federal Circuit's Benevolent Imperialism in Patent/Antitrust, Engelberg Innovation Colloquium, New York University School of Law, New York, February, 2003.

Presentation: Intellectual Property Rights in Plant Biotechnology and the Role of State Law, Legislative Agricultural Chairs Summit, Council of State Governments, Dallas, Texas, February 2003.

Presentation: Minimal Standards for Patent/Antitrust Under TRIPs, International Public Goods and Transfer of Technology Under a Globalized Intellectual Property Regime, Duke Law School, April, 2003.

Presentation: The Federal Circuit's Benevolent Imperialism, Chicago Intellectual Property Colloquium, Chicago-Kent Law School, April, 2003.

Presentation: Recent Supreme Court Trademark Cases, Iowa Intellectual Property Law Association, Des Moines, Iowa, September 2003.

Presentation: Patent Law, UI Biomedical Engineering Seminar, October 2003.

Panel Presentation: Technology-Specific Patent Law, Case Western Reserve Law School, Cleveland, Ohio, November 2003.

Panel Presentation: Experimental Use and Biotechnology Patents, Biotechnology and Law Symposium, University of Arizona College of Law, Tucson, Arizona, February 2004.

Presentation: Rules and Norms in Patent Law for Plant Biotechnology, Seeds of Change Symposium, University of Illinois College of Law, Champaign, Illinois, April 2004.

Panel Presentation: The FTC's Proposed Reforms to the Presumption of Patent Validity, Berkeley Technology Law Symposium, Boalt Hall School of Law, Berkeley, California, April 2004.

Presentation: Interface Measures in Intellectual Property Regimes for Plant Innovation, Symposium on Intellectual Property Rights for the Public Good, University of Minnesota School of Law, St. Paul, Minnesota, April 2004.

Presentation: Recent Developments in Federal Circuit Patent Law, Los Angeles Intellectual Property Law Association Annual Meeting, Santa Barbara, California, May 2004.

Presentation: Supplemental IP Protection for Plants, International Seed Federation Symposium on Intellectual Property, Berlin, Germany, May 2004.

Presentation: Patent Law, UI Electrical & Computer Engineering Seminar, September 2004.

Presentation: The Intellectual Property Complex for Plants, ACIPA Lecture Series, Brisbane, Australia, November 2004.

Presentation: Is Plant Variety Protection Anachronistic?, ACIPA Conference on Intellectual Property and Farmer's Rights, Canberra, Australia, November 2004.

Presentation: Calibrating the Utility Patent System for Plants and Plant Biotechnology, Winter Bioethics Retreat, Iowa State University, Ames, Iowa, January 2005.

Presentation: Is Plant Variety Protection Anachronistic? Pioneer Hi-Bred Lecture Series, Des Moines, Iowa, May 2005.

Presentation: Intellectual Property for Plants: Questions and Answers, American Farm Bureau Biotechnology Conference, Indianapolis, Indiana, July 2005.

Presentation: Is Plant Variety Protection Anachronistic? Monsanto Legal Department Retreat, Des Moines, Iowa, September 2005.

Presentation: Patent Law Reform and the Standards Issue, Conference on Standardization and the Law, Stanford Law School, Palo Alto, California, September 2005.

Presentation: Trademark Use, Iowa Intellectual Property Law Association Annual Meeting, Cedar Rapids, Iowa, October 2005.

Presentation: The Supreme Court's Role in Patent Cases, University of Washington Law School, Seattle, Washington, January 2006.

Presentation: Obsolescence in Intellectual Property Regimes, Conference on Intellectual Property, Trade and Development, Chicago-Kent Law School, October 2006.

Presentation: Second-Window Post-Grant Patent Opposition, at Modest Proposals (intellectual property law symposium), Cardozo Law School, February 2007.

Presentation: Second-Window Post-Grant Patent Opposition, Patents and Progress Symposium, DePaul University Law School, March 2007.

Presentation: Trademark Use, Intellectual Property Workshop, University of Michigan Law School, April 2007.

Presentation: Debate on Trademark Use and Keyword-triggered Advertising, American Intellectual Property Law Association Spring Meeting, Boston, May 2007.

Presentation: Strategic Use of Patent Reexamination, American Intellectual Property Law Association, Minneapolis, June 2007.

Presentation: Patents and the Supreme Court, High Technology Summit, University of Washington Law School, July 2007.

Presentation: Recent Developments in Trademark and Unfair Competition Law, Iowa Intellectual Property Law Association Annual Meeting, Riverside, Iowa, October 2007.

Presentation, Patent Law, UI Chemical Engineering Seminar, January 2008.

Presentation, IP Scholarship, IP Works-in-Progress Conference, Drake University Law School, Des Moines, Iowa, March 2008.

Organizer, Trademark Scholars' Roundtable, University of Iowa College of Law, Iowa City, April 2008.

Presentation: The Supreme Court's Role in Patent Cases, John Deere & Co. Intellectual Property Staff, September 2008.

Presentation: Daniel Webster's Patent Cases, Utah Bar Association IP Section, October 2008.

Presentation: Daniel Webster's Patent Cases, Iowa Intellectual Property Law Association Annual Meeting, Des Moines, Iowa, October 2008.

Presentation: Daniel Webster's Patent Cases, Indiana University (Bloomington) Maurer School of Law, November 2008.

Presentation: Daniel Webster's Patent Cases, University of Utah Quinney College of Law, December 2008.

Panel Presentation, Biotech Patent Law, AALS Biolaw Section Meeting, San Diego, CA, January 2009.

Organizer and moderator, International Trademark Association Academic Symposium on Well-Known Marks, San Diego, CA, January 2009.

Commentator, IP Works-in-Progress Conference, Drake University Law School, Des Moines, Iowa, March 2009.

Presentation: Patent Law Practice, Purdue Univ. (Biochemistry), West Lafayette, IN, October 2009.

Presentation: Design Patents After *Egyptian Goddess*, Iowa Intellectual Property Law Association Annual Meeting, Riverside, Iowa, October 2009.

Panel presentation, Trademarks and Keyword Advertising, Brands as Property Symposium, University of San Francisco Law School, San Francisco, CA, November 2009.

Presentation, Design Patents, Symposium – Functionality: At the Crossroads of IP, Fordham University School of Law, New York, NY, November 2009.

Organizer, IP Rights and Health Care, Bloomington, IN, January 2010.

Presentation: Patent Law for Engineers, Purdue Univ. (Materials Engineering), West Lafayette, IN, March 2010.

Presentation: Patent Law for Engineers, Purdue Univ. (Engineering Ambassadors), West Lafayette, IN, April 2010.

Organizer (with Dinwoodie), Trademark Scholars' Roundtable, Chicago, IL, April 2010.

Presentation, Developments in Patent Law, Arizona State Bar Convention, Phoenix, AZ, June 2010.

Panel Presentation: Implications of the Supreme Court's *Bilski* decision, Indianapolis Bar Association, Indianapolis, IN, July 2010.

Presentation: What the Supreme Court Didn't Decide in *Bilski*, Barnes & Thornburg "New Economy, New Rules" Speaker Series, Indianapolis, IN, Sept. 2010.

Organizer and Moderator, Patent Scope Revisited (academic symposium), Bloomington, IN, Sept. 2010.

Presentation: Design Patent Functionality, Louisville Law Review Symposium, Louisville, KY, Nov. 2010.

Presentation: What the Supreme Court Didn't Decide in *Bilski*, Intellectual Property Owners PTO Day, Washington, D.C., Dec. 2010.

Presentation: Design Patents After *Egyptian Goddess*, Michigan Intellectual Property Law Association, Detroit, MI, Feb. 2011

Presentation/debate: Patent Unrest Conference, Vanderbilt University Law School, Nashville, TN, Feb. 2011

Presentation, Design Patent's Non-Patent Origins, Intellectual Property Colloquium Washington University Law School, St. Louis, MO, Mar. 2011.

Organizer (with Dinwoodie), Trademark Scholars' Roundtable, Bloomington, IN, April 2011.

Presentation: Obviousness after KSR: Jurisprudence of Chief Judge R. Rader, CASRIP High Technology Summit, Seattle, WA, July 2011.

Presentation: Patent Law's Audience, IP Scholars' Conference, Chicago, IL, Aug. 2011.

Keynote Address: Design Patent's Non-Patent Origins, Intellectual Property Symposium Series, Univ. of Dayton School of Law, Dayton, OH, Sept. 2011.

Panel Moderator, IP/Antitrust Conference, Stanford Law School, Palo Alto, CA, Oct. 2011.

Presentation: Walker Process Claims After Therasense, UMKC Patent Law Symposium, UMKC Law School, Kansas City, KS, Oct. 2011.

Presentation: Recent Developments in Trade Dress and Design Law, AIPLA Annual Meeting, Washington, D.C., Oct. 2011.

Presentation: Design Patent's Non-Patent Origins, Indiana Univ. Maurer School of Law IP Colloquium, Nov. 2011.

Presentation: Post-Grant Review and Inter Partes Review Under the AIA, Texas IP Law Journal Symposium, Univ. of Texas School of Law, Austin, TX, Feb. 2012.

Commentator: Patenting by Start-Ups (paper by Ted Sichelman), Law and Entrepreneurship Conference, Bloomington, IN, Feb. 2012.

Presentation: Functionality in Design Patent and Design Registration Systems, Univ. of Georgia Journal of Intellectual Property Law Symposium, Athens, GA, Mar. 2012.

Presentation: Recent Developments in Trademark Law, Univ. of Akron Law School, Akron, OH, Mar. 2012.

Presentation: Protecting Virtual Designs Under U.S. Design Patent Law, Conference on IP Rights in China, Fordham Law School, New York City, Apr. 2012.



Presentation: Protecting Virtual Designs Under U.S. Design Patent Law, 6<sup>th</sup> International Conference on the Intellectual Property Protection of High Technology, Tsinghua University School of Law, Beijing, China, Apr. 2012.

Presentation: Trade Dress & Design Law, INTA Annual Meeting, Washington, D.C., May 2012.

Commentator: 4<sup>th</sup> Trademark Scholars Roundtable, DePaul University College of Law, Chicago, Apr. 2012.

### *Expert Testimony/Consultation*

Vermeer Mfg. Co. v. Charles Machine Works, Inc. (S.D. Ia.) (patent infringement)

Kemin Foods v. Pigmentos Vegetales (S.D. Ia.) (patent infringement)

FTC v. Rambus (patent/antitrust)

### *Committee and Other Service*

Member, University of Iowa Biological Materials Working Group, 1996.

Alternate Member, Board on Natural Resources, National Association of State Universities and Land-Grant Colleges, 1996.

Member, Board of Directors, University of Iowa Research Foundation (2000- )

Member, University of Iowa Committee on Intellectual Property Policy (2000- )

Member, Board of Directors, University of Iowa Law School Foundation (2002- )

Member, AALS Intellectual Property Section Executive Committee; AALS Organizing Committee, 2006 Mid-Year Meeting

University of Iowa Law College Committee service:

Academic Rules Committee (1995-1998); Placement Committee (1997-1999); Self-Study Committee (1999); Admissions Committee (1999-2001); Computer Committee (2000-2002); Teaching Improvement Committee (2000-2001, 2003-04); Faculty Appointments Committee (2001-03; 2004-05; chair 2006-07); Dean Search Committee (2003-04).

Indiana University Maurer School of Law Committee service:  
Building committee (2010-2011); Ad hoc Committee on Strategic Planning (2009-2010);

**Professional Memberships**

American Intellectual Property Law Association

American Bar Association, Intellectual Property Law Section, Antitrust Section

Iowa Intellectual Property Law Association

Association for Teaching and Research in Intellectual Property (ATRIP)

Federal Circuit Bar Association

International Trademark Association