

**MARK D. JANIS**  
**Robert A. Lucas Chair in Law**  
**Director, Center for Intellectual Property Research**  
**Indiana University Maurer School of Law**  
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### 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 (2009- )**

**Professor, Indiana University Intelligent Systems Engineering (department of School of Informatics and Computing) (2015-6) (founding faculty task group)**

Director, Center for Intellectual Property Research (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

INTELLECTUAL PROPERTY LAW OF PLANTS (with Jervis and Peet) (Oxford 2014)

TRADEMARKS: CRITICAL CONCEPTS (with Dinwoodie) (edited collection; 2 vols.) (Edward Elgar 2014)

IP AND ANTITRUST LAW: AN ANALYSIS OF ANTITRUST PRINCIPLES APPLIED TO INTELLECTUAL PROPERTY LAW (2001) (with Hovenkamp, Lemley, and Leslie) (2 vols.) (annual updates 2002-2009) (2d ed. 2010) (annual updates 2011-2015) (3d. ed. 2016) (with Hovenkamp, Lemley, Leslie, and Carrier) (annual updates 2017-)

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. supplements 2011, 2012) (4<sup>th</sup> ed. 2013) (4<sup>th</sup> ed. Updates Fall 2014, Spring 2015, Fall 2015, Spring 2016, Fall 2016, Spring 2017, Fall 2017, Spring 2018) (5<sup>th</sup> ed. 2018) (5<sup>th</sup> ed. Updates Fall 2019; Spring 2020; Fall 2020; Spring 2021)

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) (supplement 2014) (with Dinwoodie and Du Mont) (2d Ed. forthcoming)

TRADEMARK & UNFAIR COMPETITION LAW IN A NUTSHELL (West) (1<sup>st</sup> Ed. 2013) (2d Ed. 2017) (3d Ed. forthcoming)

## **BOOK CHAPTERS**

*Examining Functionality*, in TRANSITION AND COHERENCE IN INTELLECTUAL PROPERTY LAW: ESSAYS IN HONOUR OF ANNETTE KUR (Cambridge Univ. Press 2021)

*A Historical Look at the Design Patent/Copyright Interface*, in ESTELLE DERCLAYE, THE COPYRIGHT/DESIGN INTERFACE: PAST, PRESENT, AND FUTURE (Cambridge Univ. Press 2018) (with Du Mont)

*Functionality in U.S. Design Patent & Community Design Systems*, in RESEARCH HANDBOOK ON DESIGN LAW (Elgar) (in press) (with Du Mont)

*Non-Obvious Plants*, in MATTHEWS & ZECH, RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY IN THE LIFE SCIENCES (Elgar 2016)

*Patenting Plants: A Comparative Synthesis*, in BAGLEY & OKEDIJI (EDS.), GLOBAL PERSPECTIVES ON PATENT LAW (Oxford 2014)

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

*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

*How Should Damages Be Measured for Design Patent Infringement?*, 36 TEX. REV LITIG. 341 (2018)

*Mr. Nicolson's Cane*, 59 ARIZ. L. REV. 647 (2017)

*Disclosing Designs*, 69 VAND. L. REV. 1631 (2016) (with Du Mont)

*Expressive Eligibility*, 5 CAL. IRVINE L. REV. 973 (2015) (with Holbrook)

*Patent-Eligible Processes: An Audience Perspective*, 17 VAND. J. ENT. TECH. 349 (2015) (with Holbrook)

*Virtual Designs*, 17 STANFORD TECH. L. REV. 107 (2013) (with Du Mont)

*The Origins of American Design Patent Protection*, 88 IND. L.J. 837 (2013) (with Du Mont)

*Patent Law's Audience*, 97 MINN. L. REV. 72 (2012) (with Holbrook)

*Functionality in Design Protection Systems*, 19 J. INTELL. PROP. L. 261 (2012) (with Du Mont)

*Tuning the Obviousness Inquiry After KSR*, 7 WASH. J. LAW, TECH. & ARTS 335 (2012) (essay)

*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/BIO TECHNOLOGY 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).

### **BRIEFS AMICUS CURIAE**

Brief of Amicus Curiae Intellectual Property Law Professors in Support of Apple, Inc., Samsung Ltd. v. Apple, Inc. (August 2016) (U.S. Supreme Court) (merits stage)

Brief of Amicus Curiae Center for Intellectual Property Research, *Kimble v. Marvel Enterprises, Inc.* (January 2015) (U.S. Supreme Court) (merits stage)

Brief of Amicus Curiae Donald E. Knebel and Mark D. Janis, *Purdue Pharma LP v. Epic Pharma., LLC* (U.S. Court of Appeals, Federal Circuit)

Brief of Amicus Curiae Jason J. Du Mont and Mark D. Janis in Support of *Apple, Inc., Apple, Inc. v. Samsung Ltd.* (August 2014) (U.S. Court of Appeals, Federal Circuit)

Brief of Amicus Curiae Center for Intellectual Property Research, *Kimble v. Marvel Enterprises, Inc.* (January 2014) (U.S. Supreme Court) (certiorari petition stage)

Brief of Amicus Curiae Center for Intellectual Property Research, *Retractable Techs., Inc. v. Becton, Dickinson & Co.* (April 2012) (U.S. Supreme Court)

Brief of Amicus Curiae Timothy R. Holbrook and Mark D. Janis in Support of Neither Party, *Ariad, Inc. v. Eli Lilly & Co.* (Sept. 2010) (U.S. Court of Appeals, Federal Circuit)

### **WORKS IN PROGRESS**

RESEARCH HANDBOOK ON TRADEMARK REFORM (edited collection) (Edward Elgar, forthcoming 2021) (with Dinwoodie)

PATENT LAW: CASES AND MATERIALS (LawCarta Pub.) (with Sichelman et al.) (forthcoming 2021)

ADVANCED INTRODUCTION TO DESIGN LAW (Edward Elgar, forthcoming) (with Dinwoodie)

*Design Patent Infringement as a Species of Unfair Competition* (law review article)

*Inventorship, Authorship, and Attribution in Design Law* (law review article)

*Origins of Secondary Liability in U.S. Trademark and Unfair Competition Law: A Study of the Early Pharmaceutical Industry* (book chapter)

### **AWARDS**

Collegiate Teaching Award (Indiana University Maurer School of Law), 2019

Leon H. Wallace Teaching Award (Indiana University Maurer School of Law), 2013

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, Fall '12, Fall '13, Fall '14, Fall '15, Fall '16, Fall '17, Fall '18, Fall '19, Fall '20)

Advanced Patent Law (Spring '11, Spring '13, Spring '17, Spring '19, Spring '21)

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, Spring '13, Spring '14, Fall '15, Spring '17, Spring '18, Spring '20)

Patent Trial Practice (Spring '15)

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 '10, Fall '17)



Intellectual Property Seminar (Fall '15)

International Intellectual Property Law (Spring '04, Spring '20)

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)

Owning Creativity: An Introduction to Intellectual Property Law  
(undergraduate/graduate course offered through School of Art, Architecture and  
Design) (Spring '18)

Civil Procedure I (Fall '20)

### *Co-Curricular Activities*

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

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 (Univ. of Iowa) (1997- Spring 2009)

Faculty Advisor, IP Theory (online journal) (Indiana Univ.) (2011-12 to present)

Advisor, Intellectual Property Moot Court Teams (Spring 1998) (Fall/Spring 2010-11;  
2011-12; 2012-13; 2013-14; 2014-15; 2016-17; 2017-18; 2019-20; 2020-21)

### *Other Teaching Activities*

Visiting Instructor, Munich Intellectual Property Center, teaching Design Protection, January 2008; January 2009, January 2010, January 2011, December 2020.

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; May 2012, May 2014; May 2015.

Instructor, patent law modules in ChE 205 (Chemical Engineering Calculations), Purdue University, West Lafayette, IN Spring 2014; Spring 2015.

Guest Instructor, AAE 200, AAE 300 (Aero and Astro Engineering Lectures); AAE 351 (Design), Purdue University, West Lafayette, IN, Fall 2018; Spring 2019; Fall 2019; Spring 2020.

Guest Instructor, ChE 300 (Chemical Engineering Lectures), Purdue University, West Lafayette, IN, Fall 2020.

## **SERVICE AND PROFESSIONAL ACTIVITIES**

### **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-Equivalence: 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.

Co-Convenor, 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.

Co-Convenor, 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.

Co-Convenor, 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: Virtual Designs, Fordham Law School symposium, New York, NY Apr. 2012.

Co-Convenor, Trademark Scholars' Roundtable, Chicago, IL, Apr. 2012.

Presentation: Virtual Designs, Tsinghua University Law School symposium, Beijing, China Apr. 2012.

Presentation: Post-Grant Review and Inter Partes Review Under the AIA, Procter & Gamble, Cincinnati, OH, Jun. 2012.

Panel Moderator, High Technology Summit, University of Washington School of Law, Seattle, WA, July 2012.

Presentation: Virtual Designs, Microsoft Corp., Seattle, WA, July 2012.

Organizer, conference on The America Invents Act: One Year Later, Bloomington, IN, Sept. 2012.

Presentation: Functionality and Designs, All-Ohio Intellectual Property Conference, Cleveland and Cincinnati, OH, Sept. 2012.

Organizer, conference on The State of Patent Litigation: A Conversation with the Federal Circuit, Bloomington, IN, Sept. 2012.

Organizer, conference on The Future of Design Law, Oxford University, UK, Nov. 2012.

Presentation: Daniel Webster's Patent Cases, Oxford University UK, Nov. 2012.

Presentation: Patent Law, Intellectual Property conference, Indiana University - Indianapolis, Dec. 2012.

Presentation: Patent Law Practice, Purdue Univ. (Biochemistry), West Lafayette, IN, Jan. 2013.

Presentation: Virtual Designs, Indiana Univ. Telecommunications Graduate Colloquium, spring 2013.

Presentation, Virtual Designs, National Cheng Chi Univ. School of Law, Taipei, Taiwan, March 2013.

Presentation, Patent Eligibility After *Mayo v. Prometheus*, National Taiwan University School of Law, Taipei, Taiwan, March 2013.

Presentation, Virtual Designs, Designs in the Modern World conference, Stanford Law School, April 2013.

Presentation, Recent Developments in Trademark Law, AIPLA Spring Meeting, Seattle, WA, May 2013.

Co-Convenor, Trademark Scholars' Roundtable, Bloomington, May 2013.

Presentation: Indirect Infringement after *Akamai*, CASRIP High Technology Summit, Univ. of Washington Law School, Seattle, WA, July 2013.

Presentation: Concept of the Consumer in Design Law, Workshop on Trade Marks and the Consumer, University of Sydney, Sydney, Australia, Aug. 2013.

Presentation: The Consumer in Trademark Law, Trade Mark Law Conference, Broome, Australia, Aug. 2013.

Presentation: Intellectual Property and Indiana's Life Sciences Ecosystem, CBLS Indiana Life Sciences Conference, Indianapolis, IN, Sept. 2013.

Presentation: Implications of *Nike v. Already*, Chicago-Kent Supreme Court IP Review, Chicago-Kent Law School, Chicago, IL, Sept. 2013.

Presentation, Virtual Designs, Michigan State Univ. Law School Intellectual Property Colloquium, Nov. 2013.

Presentation, Design Patents ("Evil Twin" Debate), Univ. of Richmond School of Law, Richmond, VA, Nov. 2013.

Organizer, Design Scholars' Roundtable, Max Planck Institute for Intellectual Property and Competition Law, Munich, Germany, Nov. 2013.

Presentation, Eligibility of Process Inventions from an Audience Perspective, Vanderbilt Journal of Entertainment and Technology Law Symposium, Vanderbilt Univ. School of Law, Nashville, TN, Jan. 2014.

Co-Convenor, Trademark Scholars' Roundtable, Austin, TX, Feb. 2014.

Presentation, Trademarks, Online Search, and the Construction of the Consumer, Oxford University, Oxford, U.K., Mar. 2014.

Presentation, Patent Exhaustion in U.S. Law, University of Cambridge, Cambridge, U.K., Mar. 2014.

Presentation, The Driven-Well Cases and the Modern Patent Troll Debate, Pat Con 4, University of San Diego School of Law, San Diego, CA, Apr. 2014.

Presentation, Design Patents, Chicago Bar Association CLE Seminar, Apr. 2014.

Organizer, Leveraging Creativity: Artists, Entrepreneurship, and IP Law Conference, Indianapolis, IN, May 2014.

Presentation, Patent Reform 2014, Biocrossroads Framework Conference, Indianapolis, May 2014.

Presentation, Expressive Eligibility, Symposium on the Meaning of *Myriad*, University of California-Irvine School of Law, Irvine, CA, Sept. 2014.

Moderator, Apple v Samsung Mock Argument, Rose-Hulman Inst. of Technology, Terre Haute, IN, Sept. 2014.

Panel Moderator, Patent session, All-Ohio Intellectual Property Law CLE Event (AOAIOIP), Cincinnati, OH, Sept. 2014.

Presentation, Canada's Utility Requirement from a U.S. Historical Perspective, Indiana Life Sciences Summit, Indianapolis, IN, Oct. 2014.

Moderator, Apple v Samsung Mock Argument, Purdue University, West Lafayette, IN, Oct. 2014.

Presentation, Patent Law Issues for the Academic Researcher, Indiana Univ. School of Optometry, Nov. 2014 (OVPR technology commercialization series)

Presentation, Design Patent Damages, Design Law 2014, George Washington University School of Law, Washington, D.C., Nov. 2014.

Presentation, Design Patent Infringement: *Gorham v. White*, PatCon conference, Lawrence, KS, April 2015.

Presentation, Design Patent Infringement: *Gorham v. White*, AIPLA Spring Meeting, Los Angeles, CA, May 2015.

Co-Convener, Trademark Scholars' Roundtable, Oxford, UK, June 2015.

Presentation, Trademark Law Roots of Design Patent Standards, Univ. of Sheffield, UK, June 2015.

Moderator and Panel Organizer, Recent Developments at the U.S. Supreme Court in Trademark Law; Recent Developments at the U.S. Supreme Court in Patent Law, Indianapolis Bar Association, Indianapolis, Aug. 2015.

Presentation, Patent Eligibility, USPTO Roundtable and PatentConnect Launch Event, Indianapolis, IN, Sept. 2015.

Presentation, Recent Developments in Design Patent Law, Houston Intellectual Property Assn. Annual IP Institute, Galveston, TX, Sept. 2015.

Presentation, Plant Variety Patents, Intellectual Property Rights for Plants, Humboldt Univ., Berlin, Germany, Oct. 2015.

Presentation, Disclosing Designs, Patent Disclosure Conference, Vanderbilt Law School, Nashville, TN, Nov. 2015.

Presentation, Non-Obvious Plants, Conference on Intellectual Property in the Life Sciences, Univ. of Basel, Basel, Switzerland, Nov. 2015.

Presentation (by video), Are Design Patents Really Patents?, Cardozo Law School Intellectual Property Colloquium, New York, Jan, 2016.

Participant, Vanderbilt Patent Scholars Roundtable, Atlanta, GA, Feb. 2016.

Presentation, Are Design Patents Really Patents?, Case Law School IP and Innovation Speakers Series, Cleveland, OH, Mar. 2016.

Presentation, Non-Obvious Plants, Drake Law School IP Conference, Des Moines, IA, Mar. 2016.

Presentation, The Driven-Well Cases, Texas A&M CLIP Conference, Apr. 2016.

Co-Convenor, Trademark Scholars' Roundtable, Boston, June 2016.

Presentation (by audio conference), Samsung v. Apple, Federalist Society Teleforum Series, Oct. 2016.

Presentation, Mr. Nicolson's Cane, Vanderbilt Patent Scholars Roundtable, Atlanta, GA, Feb. 2017.

Presentation (by video conference), Conference on Patent Damages, University of Texas School of Law, Austin, TX, Feb. 2017.

Co-Convenor, Trademark Scholars' Roundtable, Chicago, March 2017.

Co-Convenor, Trademark Scholars' Roundtable, Chicago, April 2018.

Patent Litigation Panel, Indianapolis IP Inn of Court (inaugural meeting), September 2018.

Design Patent Law: Recent Developments, Iowa Intellectual Property Association Annual Meeting, Davenport, Iowa, September 2018.

Relative vs. Absolute Patentability Standards, Biotechnology Industry Organization IP Counsels Meeting, Indianapolis, November 2018.

Ethical Considerations in Patent Practice – Inequitable Conduct; Unclean Hands, Bloomington, Indiana, December 2018.

Commenter, Patent Scholars’ Roundtable, Atlanta, February, 2019.

Co-Convenor, Trademark Scholars’ Roundtable, Cambridge, MA, April 2019.

Presenter, Design Scholars’ Roundtable, Chicago, November 2019.

Co-Convenor, Trademark Scholars’ Roundtable, Palo Alto, CA, February 2020.

Panel Moderator, IP Litigation in the COVID-19 Era, S. Jay Plager Intellectual Property American Inn of Court (virtual), June 2020.

Panel Moderator, In-House Practice in the COVID-19 Era, S. Jay Plager Intellectual Property American Inn of Court (virtual), July 2020.

Organizer, Pharmaceutical Innovations: Patents and the Politics of COVID-19 (virtual symposium; co-organized with Eli Lilly & Co. and Roche Diagnostics), September 2020.

Presenter, Historical Aspects of Design Patent Law, Intellectual Property Owners Annual Meeting (virtual), September 2020.

Panel Moderator, BCLT/BTLJ Design Patents Symposium, Berkeley, CA (virtual), February 2021.

### *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); Appointments Committee (2011-2012); Promotion & Tenure Committee (2012-2013); Dean Search Committee (2012-2013); Promotion & Tenure Committee (Chair) (2013-2014); Promotion & Tenure Committee (2014-15); Ad Hoc Committee on IP Clinic Recruitment (fall 2014); Appointments Committee (2016-17) (2017-18 Chair)

Indiana University Committee service:

Indiana University Strategic Planning Committee (Research group) (Fall 2013)

Indiana University Search Committee, Office of the Vice Provost of Research (Fall 2014)

Indiana University Engineering Task Force (Fall 2014)

Indiana University Office of Vice President of Research – search committee for Chief IP Counsel and Chief Licensing Counsel (Fall 2017)

i-GYM Working Group (2019-2020)

School of Art, Architecture and Design, Dean's Advisory Council (2018-present)



Indianapolis Bar Association IP Section Executive Committee (2015-2016)

Indianapolis IP Inn of Court: Organizing Committee (member, 2018); Executive Committee (member, Program Co-Chair, 2018-19)

**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

Indianapolis Bar Association

Indianapolis IP Inn of Court (Master)

American Law Institute (elected 2018)