

Peter S. Menell

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PROFESSIONAL EXPERIENCE

University of California at Berkeley School of Law (Boalt Hall) 7/90 - present
Koret Professor of Law (since 2013); Robert L. Bridges Professor of Law (2012-13); **Professor of Law** (since 1994) - principal areas: Intellectual Property; Software Protection; Entertainment Law; Environmental Law and Policy; Property Law; Law and Economics; Federal Courts.
Co-Founder (2018), **Berkeley Judicial Institute**
Co-Founder (1995), **Director** (1995-present), and **Executive Director** (2000-05), **Berkeley Center for Law and Technology** <http://www.law.berkeley.edu/bclt>

Visiting Professor of Law - Thomas Alva Edison Visiting Professional, US Patent and Trademark Office (2012-13); Herman Phleger Visiting Professor of Law, Stanford Law School (2011-12), Tel Aviv University (2013, 2015) (courses on intellectual property in the digital age and comparative US/Israel Patent Law); Swiss Federal Institute of Technology (ETH) (1997-2010) (one week course on U.S. intellectual property law); Studienzentrum Gerzensee, Switzerland (2005, 2001) (one week course on Intellectual Property in the New Technological Age); Seoul National University College of Law (2007, 2008) (two week course on Intellectual Property in the Digital Age); Tel Aviv University Executive LLM (2005-2015) (one-two week course on Intellectual Property in the Digital Age); University of Toronto (Distinguished Visiting Professor, Fall 2002); Stanford Law School (Fall 1992), Harvard Law School (Winter 1990); **Associate Professor of Law** - Georgetown University Law Center (1987-90)

Hon. Jon O. Newman, U.S. Court of Appeals, Second Circuit 9/86 - 7/87
Law Clerk

EDUCATION

Harvard Law School J.D., cum laude, 1986
Honors and Awards: Harvard Law Review, vols. 98 & 99 (Articles Editor); Olin Fellow; John M. Olin Prize; Nathan Burkan Memorial Competition, First Prize

Stanford University Ph.D. (economics) 1986, M.A. 1982
Doctoral Dissertation: "Essays on the Implications of Transaction Costs for the Design of Legal Rules and Institutions"

Massachusetts Institute of Technology S.B. (economics), Phi Beta Kappa, 1980

PUBLICATIONS

Books

PATENT MEDIATION GUIDE (Federal Judicial Center 2018) (with Kathi Vidal, Leeron G. Kalay, Matthew Powers, and Sarita Venkat)

INTELLECTUAL PROPERTY STATUTES: 2018, 2017, 2016 (with M. Lemley and R. Merges) (Clause 8 Publishing)

INTELLECTUAL PROPERTY IN THE NEW TECHNOLOGICAL AGE: VOLUME I - PERSPECTIVES, TRADE SECRETS, AND PATENTS (with M. Lemley and R. Merges) (Clause 8 Publishing) (2018, 2017, 2016) (with Teacher's Manual)

INTELLECTUAL PROPERTY IN THE NEW TECHNOLOGICAL AGE: VOLUME II - COPYRIGHTS, TRADEMARKS, AND STATE IP PROTECTIONS (with M. Lemley and R. Merges) (Clause 8 Publishing) (2018, 2017, 2016) (with Teacher's Manual)

INTELLECTUAL PROPERTY IN THE NEW TECHNOLOGICAL AGE (with R. Merges and M. Lemley) (Aspen Law & Business, 1st ed. 1997, 2nd ed. 2000, 3rd ed. 2003, 4th ed. 2006, 4th ed. revised, 2007, 5th ed. 2010, 6th ed. 2012) (with Case and Statutory Supplement and Teacher's Manual)

RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW: VOLUME I – THEORY (co-editor with Ben Depoorter) (Edward Elgar Publishing, forthcoming 2018)

RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW: VOLUME II – ANALYTICAL METHODS (co-editor with David L. Schwartz) (Edward Elgar Publishing, forthcoming 2018)

PATENT CASE MANAGEMENT JUDICIAL GUIDE (1st ed. Federal Judicial Center 2009; Lexis 2010) (with Lynn Pasahow, Matthew Powers, and James Pooley); (2d ed. Federal Judicial Center 2012 (with Matthew Powers, Lynn Pasahow, James Pooley, Steven Carlson, and Jeffrey Homrig); (3rd ed. 2016) (with Matthew Powers, Lynn Pasahow, James Pooley, Steven Carlson, Jeffrey Homrig, George Pappas, Carolyn Chang, Colette Reiner Mayer, and Marc David Peters)

SECTION 337 PATENT INVESTIGATION MANAGEMENT GUIDE (1st ed, 2012) (with G. Brian Busey, Ruffin Cordell, Mark Davis, Matthew Powers, and Sturgis Sobin) (2nd ed. Lexis 2013) (with Colleen Chien, G. Brian Busey, Ruffin Cordell, Mark Davis, Matthew Powers, and Sturgis Sobin)

TRADEMARK CASE MANAGEMENT JUDICIAL GUIDE (with Sally Abel, David Bernstein, Katherine Fritz, Peter Harvey, and Annette Hurst) (Federal Judicial Center) (forthcoming 2018)

SOFTWARE AND INTERNET LAW (Aspen Law & Business 2000 (with M. Lemley, R. Merges, and P. Samuelson), 2nd ed. 2003, 3rd ed. 2006, 4th ed. 2011 (adding B. Carver)) (with Teacher's Manual)

TRADEMARK, UNFAIR COMPETITION, AND BUSINESS TORTS (with B. Beebe, T. Cotter, M. Lemley, & R. Merges) (Aspen Law & Business, 2011; 2d ed. Wolters Kluwer 2016)

INTELLECTUAL PROPERTY, INNOVATION, AND THE ENVIRONMENT (with Sarah Tran) (Edward Elgar) (2014)

ENVIRONMENTAL LAW (International Library of Essays in Law and Legal Theory (Second Series), Ashgate Publishing) (2002)

PROPERTY LAW AND POLICY: A COMPARATIVE INSTITUTIONAL PERSPECTIVE (with J. Dwyer) (Foundation Press, 1998) (with Teacher's Manual)

ENVIRONMENTAL LAW AND POLICY (with R. Stewart) (Aspen Law & Business (formerly Little, Brown & Co., 1994)

Special Journals (Founder and Supervising Professor)

Annual Review of Law and Technology, BERKELEY TECHNOLOGY LAW JOURNAL (1998-2016 (two volumes in 2005))

Annual Review of Environmental and Natural Resource Law, ECOLOGY LAW QUARTERLY (1999 - 2002)

Works in Progress

The Use and Misuse of IP Kinship Metaphors

Promoting Responsible Whistleblowing: Reconciling and Reforming CFAA Liability in the Information Age (with Amit Elazari Bar On)

Useful Article Protection: Tracing and Disentangling the Intellectual Property Landscape (with Daniel Yablon)

Unjust Endorsement: Endorser and Platform Responsibility in the Social Media Age (with Uri Y. Hacoheh)

Interpreting Whistleblower Immunity (with Brittany Bruns)
Reexamining the Federal Courts "Crisis" (with Ryan Vacca)

Articles, Book Chapters, and Encyclopedia Entries

The ALI Copyright Restatement Project: A Horse of a Different Color?, PROCEEDINGS OF THE TWENTY-SIXTH ANNUAL CONFERENCE INTERNATIONAL INTELLECTUAL PROPERTY LAW & POLICY, Fordham University School of Law Skadden Conference Center, New York, New York, Friday, April 6, 2018 (lead presentation; edited transcript of panel moderated by June M. Besek and featuring Irene Calboli, Devlin Hartline, Justin Hughes, Pierre N. Leval, and William F. Patry) (available at SSRN: <https://ssrn.com/abstract=3200429>)

Economic Analysis of Intellectual Property Notice and Disclosure, in Ben Depoorter and Peter S. Menell (eds.), RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW: VOL I. THEORY (2018)

Economic Analysis of Network Effects and Intellectual Property, in Ben Depoorter and Peter S. Menell (eds.), RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW: VOL I. THEORY (2018)

Empirical Studies of Claim Construction, in Peter S. Menell and David L. Schwartz (eds.), RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW: VOL II. ANALYTICAL METHODS (2018) (with Jonas Anderson)

Final Report of the Berkeley Center for Law & Technology Section 101 Workshop: Addressing Patent Eligibility Challenges, BERKELEY TECHNOLOGY LAW JOURNAL (forthcoming 2018) (with Jeffrey A. Lefstin and David O. Taylor)

Against Defibrillating the API Copyright Dead: a Response to Advocates of Copyrightability of Software Functional Specifications, 31 HARVARD JOURNAL OF LAW & TECHNOLOGY 653 (SPECIAL ISSUE: SOFTWARE INTERFACE COPYRIGHT) (2018)

Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, 31 Harvard Journal of Law & Technology 305 (Special Issue: Software Interface Copyright) (2018)

Star Athletica's Fissure in the Intellectual Property Functionality Landscape, 166 UNIVERSITY OF PENNSYLVANIA. LAW REVIEW ONLINE 155 (2017) (with Daniel Yablon)

Why the Ninth Circuit's *Antonick v. Electronic Arts* Case Is an Ideal Vehicle for Addressing the Circuit Split Over Admissibility of Expert Testimony in Software Copyright Cases, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3059879 (Oct. 2017) (with David Nimmer and Kevin K. Green)

Distinguishing Mayor McCheese from Hexadecimal Assembly Code for Madden Football: The Need to Correct the 9th Circuit's "Nutty" Rule Barring Expert Testimony in Software

Copyright Cases, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3059854 (Oct. 2017)
(with David Nimmer and Kevin K. Green)

The Defend Trade Secrets Act Whistleblower Immunity Provision: A Legislative History, 1
UNIV. MISSOURI BUSINESS, ENTREPRENEURSHIP & TAX REVIEW 397 (2017)

Misconstruing Whistleblower Immunity Under the Defend Trade Secrets Act, 1 NEVADA
LAW REVIEW FORUM 92 (Spring 2017)

3D Printing and US Copyright Law, in 3D PRINTING AND BEYOND: THE INTELLECTUAL
PROPERTY AND LEGAL AND IMPLICATIONS SURROUNDING 3D PRINTING AND EMERGING
TECHNOLOGIES (Mark Lemley, Dinusha Mendis, & Matthew Rimmer (eds.) forthcoming
2018) (with Ryan Vacca)

Tailoring a Public Policy Exception to Trade Secret Protection, 105 CALIFORNIA LAW REV. 1
(2017)

Final Report of the Berkeley Center for Law & Technology Patent Damages Workshop, 25
TEXAS INTELLECTUAL PROPERTY LAW JOURNAL 115 (2017) (with Stuart Graham, Carl
Shapiro, and Timothy Simcoe)

API Copyrightability Bleak House: Unraveling and Repairing the *Oracle v. Google*
Jurisdictional Mess, 31 BERKELEY TECHNOLOGY LAW JOURNAL 1515 (2016)

Property, Intellectual Property, and Social Justice: Mapping the Next Frontier, 5
BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE JOURNAL 147 (2016)

Economic Analysis of Copyright Notice: Tracing and Scope in the Digital Age, 96 BOSTON
UNIV. L. REV. 967 (2016)

Adapting Copyright Law for the Mashup Generation, 164 UNIVERSITY OF PENNSYLVANIA
LAW REVIEW 441 (2016)

Restoring the Fact/Law Distinction in Patent Claim Construction, 109 NORTHWESTERN
UNIV. L. REV. ONLINE 187 (2015) (with Jonas Anderson)

Property: Legal Aspects, in James D. Wright, INTERNATIONAL ENCYCLOPEDIA OF THE
SOCIAL & BEHAVIORAL SCIENCES (2nd ed. 2015)

Sarah Tran's Inspiring Optimism, 67 SMU LAW REVIEW 473 (2014)

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet
Age, 61 JOURNAL OF THE COPYRIGHT SOCIETY 235 (2014) (42nd Brace Lecture)

2014: Brand Totalitarianism, 47 UC DAVIS LAW REVIEW 787 (2014) (selected as one of the best law review articles related to entertainment, publishing and/or the arts published in 2013-14 – reprinted in ENTERTAINMENT, PUBLISHING AND THE ARTS HANDBOOK (Thomas Reuters (West) 2014).

Using Fee Shifting to Promote Fair Use and Fair Licensing, 102 CALIFORNIA LAW REVIEW 53 (2014) (with B. Depoorter)

Informal Deference: An Historical, Empirical, and Normative Analysis of the Standard of Appellate Review for Patent Claim Construction, 108 NORTHWESTERN UNIVERSITY LAW REVIEW 1 (2014) (with J. Anderson)

The Mixed Heritage of Federal Intellectual Property Law and Ramifications for Statutory Interpretation, INTELLECTUAL PROPERTY AND THE COMMON LAW (Shyam Balganes, ed., 2013)

Notice Failure and Notice Externalities, 5 JOURNAL OF LEGAL ANALYSIS 1 (2013) (with M. Meurer)

Infringement Conflation, 64 STANFORD LAW REVIEW 1551 (2012)

Design for Symbiosis: Promoting More Harmonious Paths for Technological Innovators and Expressive Creators in the Internet Age, 55 COMMUNICATIONS OF THE ACM, No. 5, pages 30-32 (May 2012)

In Search of Copyright's Lost Ark: Interpreting the Right to Distribute in the Internet Age, 59 JOURNAL OF THE COPYRIGHT SOCIETY 1 (2011)

Governance of Intellectual Resources and the Disintegration of Intellectual Property in the Digital Age, 26 BERKELEY TECHNOLOGY LAW JOURNAL 1523 (2011)

The Historic Right of Publication, NIMMER ON COPYRIGHT, Section 4.04[D] (Release 85, 2011) (with D. Nimmer)

Definition of "Publication," NIMMER ON COPYRIGHT, Section 4.03 (Release 85, 2011) (with D. Nimmer)

The Distribution Right, NIMMER ON COPYRIGHT, Section 8.11 (Release 85, 2011) (with D. Nimmer)

Forty Years of Wondering in the Wilderness and No Closer to the Promised Land: *Bilski's* Superficial Textualism and the Missed Opportunity to Return Patent Law to its Technology Mooring, 63 STANFORD LAW REVIEW 1289 (2011)

The International Trade Commission's Section 337 Authority, 2010 PATENTLY-O PATENT LAW JOURNAL 79

Pooh-Poohing Copyright Law's "Inalienable" Termination Rights, 57 JOURNAL OF THE COPYRIGHT SOCIETY 799 (2010) (with D. Nimmer)

Patent Claim Construction: A Modern Synthesis and Structured Framework, 25 BERKELEY TECHNOLOGY LAW JOURNAL 711(2010) (with M. Powers and S. Carlson). Selected as one of the best law review articles related to patent law in 2010 – reprinted in PATENT LAW REVIEW (Thomson Reuters (West) 2011).

Judicial Resistance to Copyright Law's Inalienable Right to Terminate Transfers, 33 COLUMBIA JOURNAL OF LAW AND THE ARTS 227(2010) (with D. Nimmer)

Indirect Copyright Liability and Technological Change, 32 COLUMBIA JOURNAL OF LAW AND THE ARTS 375 (2009). Selected as one of the best intellectual property articles published in 2009 – reprinted in INTELLECTUAL PROPERTY LAW REVIEW (2010); selected as one of the best copyright articles of 2009 – reprinted in COPYRIGHT LAW ANTHOLOGY (West 2010- 2011 edition)

Intellectual Property and the Law of Land, 30, REGULATION No. 4, p. 64 (Winter 2008)

Bankruptcy Treatment of Intellectual Property Assets: An Economic Analysis, 22 BERKELEY TECHNOLOGY LAW JOURNAL 733 (2007). Selected as one of the best intellectual property articles published in 2007– reprinted in INTELLECTUAL PROPERTY LAW REVIEW (2008).

Intellectual Property and the Property Rights Movement, 30 REGULATION No. 3, p. 36 (Fall 2007)

Knowledge Access and Preservation Policy in the Digital Age, 44 HOUSTON LAW REVIEW 1013 (2007)

Intellectual Property Law, chapter in HANDBOOK OF LAW AND ECONOMICS, Vol. II, edited by A. Mitchell Polinsky and Steven Shavell (2007) (with S. Scotchmer)

Legal Realism in Action: Indirect Copyright Liability's Continuing Tort Framework and Sony's *de facto* Demise, 55 UCLA LAW REVIEW 143 (2007) (with D. Nimmer); selected as one of the best copyright articles of 2007-08 – reprinted in COPYRIGHT LAW ANTHOLOGY (West 2009-2010 edition)

The Property Rights Movement's Embrace of Intellectual Property: True Love or Doomed Relationship?, 34 ECOLOGY LAW QUARTERLY 713 (2007)

Unwinding Sony, 95 CALIFORNIA LAW REVIEW 941 (2007) (with D. Nimmer); selected as one of the best copyright articles of 2007-08 – reprinted in COPYRIGHT LAW ANTHOLOGY (West 2009-2010 edition)

A Method for Reforming the Patent System, 13 MICHIGAN TELECOMMUNICATIONS AND TECHNOLOGY LAW REVIEW 487 (2007)

Economic Aspects of Intellectual Property, in ENCYCLOPEDIA OF LAW AND SOCIETY: AMERICAN AND GLOBAL PERSPECTIVES, Sage Publications (2007)

An Economic Assessment of Market-Based Approaches to Regulating the Municipal Solid Waste Stream, in Jody Freeman and Charles Kolstad (Eds), MOVING TO MARKETS IN ENVIRONMENTAL REGULATION: LESSONS FROM TWENTY YEARS OF EXPERIENCE (Oxford University Press, New York, 2006).

Copyright’s “Staple Article of Commerce Doctrine”: Patently Misguided, 53 JOURNAL OF THE COPYRIGHT SOCIETY 365 (2006) (with D. Nimmer).

Regulating Spyware: The Limitations of State “Laboratories” and the Case for Federal Preemption of State Unfair Competition Laws, 20 BERKELEY TECHNOLOGY LAW JOURNAL 1363 (2005)

Indirect Copyright Liability: A Re-examination of Sony’s Staple Article of Commerce Doctrine, 20 BERKELEY TECHNOLOGY LAW JOURNAL 511 (2005) (Amicus Curiae brief submitted in Metro-Goldwyn-Mayer Studios Inc., et al., v. Grokster, Ltd., et al. (U.S. Supreme Court)).

Bankruptcy Treatment of Copyrights, Chapter 19A of NIMMER ON COPYRIGHT (2005)

The Rise of Internet Interest Group Politics, 19 BERKELEY TECHNOLOGY LAW JOURNAL 1 (2004) (with A. Burstein and W. DeVries)

Pre-existing Confusion in Copyright’s Work-for-Hire Doctrine, 50 JOURNAL OF THE COPYRIGHT SOCIETY 399 (2003) (with D. Nimmer & D. McGimsey).

Envisioning Copyright Law’s Digital Future, 46 NEW YORK LAW SCHOOL LAW REVIEW 63 (2002- 03). Reprinted in NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS, COPYRIGHT ISSUES IN HIGHER EDUCATION: A LEGAL COMPENDIUM (2006).

Reunifying Property, 46 ST. LOUIS UNIVERSITY LAW REVIEW 599 (2002) (with J. Dwyer).

Sound Recordings, Works for Hire, and the Termination-of-Transfers Time Bomb, 49 JOURNAL OF THE COPYRIGHT SOCIETY 387 (with D. Nimmer) (2001).

Intellectual Property, in N. J. Smelser and Paul B. Baltes (editors) 2001 INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL & BEHAVIORAL SCIENCES. Pergamon, Oxford.

Property, in N. J. Smelser and Paul B. Baltes (editors) 2001 INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL & BEHAVIORAL SCIENCES. Pergamon, Oxford.

Foreword, Annual Review of Environmental and Natural Resource Law, 28 ECOLOGY LAW QUARTERLY 225 (2001) (with J. Brax).

Foreword, Annual Review of Law & Technology, 16 BERKELEY TECHNOLOGY LAW JOURNAL 1 (2001) (with C. Cretsinger)

Foreword, Annual Review of Environmental and Natural Resource Law, 27 ECOLOGY LAW QUARTERLY 541 (2000).

Economic Implications of State Sovereign Immunity from Infringement of Federal Intellectual Property Rights, 33 LOYOLA OF LOS ANGELES LAW REVIEW 1399 (2000).

Intellectual Property: General Theories, ENCYCLOPEDIA OF LAW & ECONOMICS: VOLUME II (2000) (Boudewijn Bouckaert and Gerrit de Geest (eds)) Edward Elgar: Cheltenham, UK.

Foreword, Annual Review of Environmental and Natural Resource Law, 26 ECOLOGY LAW QUARTERLY 679 (1999).

An Epitaph for Traditional Copyright Protection of Network Features of Computer Software, 43 ANTITRUST BULLETIN 651 (Fall-Winter 1998)

Regulation of Toxic Substances, THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW (1998).

Educating Consumers about the Environment: Labels versus Prices, in LAW AND ECONOMICS OF THE ENVIRONMENT (Roger van den Bergh and Erling Eide (eds), Centre for Advanced Study, The Norwegian Academy of Science and Letters) (Juridisk Forlag Publisher) (1996).

The Uneasy Case for Ecolabelling, 4 REVIEW OF EUROPEAN COMMUNITY AND INTERNATIONAL ENVIRONMENTAL LAW (RECIEL) 304 (1995).

Applying Fundamental Copyright Principles in *Lotus Development Corp. v. Borland International Inc.*, 10 HIGH TECHNOLOGY LAW JOURNAL 177 (with Dennis Karjala) (1995).

Structuring a Federal Market-Oriented Eco-Information Policy, 54 MARYLAND LAW REVIEW 1435 (1995).

The Basic Issue in *Lotus v. Borland*, in J. Strauss (ed.) CURRENT ISSUES IN INTELLECTUAL PROPERTY (International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), Ljubljana Proceedings) (Slovenian Intellectual Property Office, 1995) (with Dennis Karjala).

The Challenges of Reforming Intellectual Property Protection for Computer Software, 94 COLUMBIA LAW REVIEW 2644 (1994), reprinted in Richard S. Gruner (ed.), INTELLECTUAL PROPERTY AND DIGITAL CONTENT (Edward Elgar 2013).

ECO-INFORMATION POLICY: A COMPARATIVE INSTITUTIONAL PERSPECTIVE, Stanford Law and Economics Working Paper Series, April 1993.

Using Economic Incentives to Regulate the Municipal Solid Waste Stream, 17 GENEVA PAPERS ON RISK AND INSURANCE 485 (1992).

Institutional Fantasylands: From Scientific Management to Free Market Environmentalism, 15 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 489 (1992). (Reprinted in ROBERT FISCHMAN, MAXINE LIPELES, AND MARK SQUILLACE, AN ENVIRONMENTAL LAW ANTHOLOGY (1995)).

The Limitations of Legal Institutions for Addressing Environmental Risks, 5 JOURNAL OF ECONOMIC PERSPECTIVES 93 (1991).

Optimal Multi-Tier Regulation: An Application to Municipal Solid Waste (ENRP PROJECT 88/ROUND II PROJECT REPORT 91-03, Center for Science and International Affairs, Environment and Natural Resources Program, Kennedy School of Government, Harvard University).

Legal Advising on Corporate Structure in the New Era of Environmental Liability, 1990-3 COLUMBIA BUSINESS LAW REVIEW 399 (1991).

Beyond the Throwaway Society: An Incentive Approach to Regulating Municipal Solid Waste, 17 ECOLOGY LAW QUARTERLY 655 (1990). Selected as one of the best environmental law articles published in 1990-91. Reprinted in 23 LAND USE AND ENVIRONMENT LAW REVIEW (1992).

An Analysis of the Scope of Copyright Protection for Application Programs, 41 STANFORD LAW REVIEW 1045 (1989). Selected by the editors of INTELLECTUAL PROPERTY LAW REVIEW as one of the best intellectual property articles published in 1989.

Tailoring Legal Protection for Computer Software, 39 STANFORD LAW REVIEW 1329 (1987). Selected by the editors of INTELLECTUAL PROPERTY LAW REVIEW as one of the best intellectual property articles published in 1987.

Liability of Parent Corporations for Hazardous Waste Cleanup and Damages, 99 HARVARD LAW REVIEW 986 (1986).

A Note on Private versus Social Incentives to Sue in a Costly Legal System, 12 JOURNAL OF LEGAL STUDIES 41 (1983).

Economic Implications of ERISA, in BODIE, Z. & SHOVEN, J. (EDS.) FINANCIAL ASPECTS OF THE UNITED STATES PENSION SYSTEM 37 (U. Chi. Press, 1983) (with J. Bulow & M. Scholes).

Commentaries/Short Articles/Webcasts/Podcasts

Misconstruing Whistleblower Immunity Under the Defend Trade Secrets Act, THE CLS (COLUMBIA LAW SCHOOL) BLUE SKY BLOG (Jan 3, 2017), <http://clsbluesky.law.columbia.edu/2017/01/03/misconstruing-whistleblower-immunity-under-the-defend-trade-secrets-act/>

Radio Berkman 236: Star Wars vs Copyright, <https://cyber.law.harvard.edu/>

Copyright Year in Review, YouTube (Apr. 26, 2016), <https://www.youtube.com/watch?v=7z2fmZZn0wU>

Patent Protection for Scientific Discoveries: Sequenom, Mayo, and the Meaning of § 101, PATENTLY-O (Apr. 22, 2016) (with J. Lefstin) <https://patentlyo.com/patent/2016/04/protection-scientific-discoveries.html>

Deterring Corporate Fraud from the Inside: Encouraging Whistleblowing Without Jeopardizing Trade Secrecy, THE CLS (COLUMBIA LAW SCHOOL) BLUE SKY BLOG (Jan 12, 2016), <http://clsbluesky.law.columbia.edu/2016/01/12/deterring-corporate-fraud-from-the-inside-encouraging-whistleblowing-without-jeopardizing-trade-secrecy/>

Don't Throw Out Fetal-Diagnostic Innovation with the Bathwater: Why Ariosa v. Sequenom Is an Ideal Vehicle for Constructing a Sound Patent-Eligibility Framework, PATENTLY-O (Aug. 31, 2015) (with J. Lefstin) <https://patentlyo.com/patent/2015/08/lefstin-sequenom-ariosa.html>

Hang on to the Patent Case Management Rollercoaster, LOS ANGELES DAILY JOURNAL, (Aug. 26, 2015).

Federal Judicial Center, The Impact of Teva Pharmaceuticals v. Sandoz on Patent Claim Construction in the District Courts (90 minute program with Judge Ronald Whyte (N.D. Cal. and Morgan Chu moderated by FJC Director and Judge Jeremy D. Fogel)

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Patent Claim Construction and Distrust, SAN FRANCISCO DAILY JOURNAL (Nov. 14, 2014)

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Symposium: Aereo, disruptive technology, and statutory interpretation, SCOTUSBLOG (Jun. 26, 2014) (with D. Nimmer),
<http://www.scotusblog.com/2014/06/symposium-aereo-disruptive-technology-and-statutory-interpretation/>

Much Ado About Copyright's 'Making Available' Right (May 9, 2014)
<http://www.mediainstitute.org/IPI/2014/050914.php>

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<http://www.mediainstitute.org/IPI/2014/030414.php>

The Tenth Circuit Discovers Copyright's Lost Ark: Section 106(3) Encompasses a 'Making Available' Right (Jan. 13, 2014)
<http://www.mediainstitute.org/IPI/2014/011314.php>

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<https://www.youtube.com/watch?v=ax7QHQTbKQE>

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Using Fee Shifting to Promote Fair Use and Fair Licensing (Oct. 11, 2012)

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Google, PageRank, and Symbiotic Technological Change (Aug. 24, 2012)

<http://www.mediainstitute.org/IPI/2012/082412.php>

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http://www.mediainstitute.org/new_site/IPI/2011/022311.php

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http://www.mediainstitute.org/new_site/IPI/2010/121410.php

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Amicus Briefs (principal author or co-author/counsel of record)

Sequenom, Inc. v. Ariosa Diagnostics, Inc. Natera, Inc., and DNA Diagnostics Center, Inc., U.S. Supreme Court No. 15-1182 Brief of Professors Jeffrey A. Lefstin and Professor Peter S. Menell as Amici Curiae in Support of Rehearing En Banc (Apr. 20, 2016)

Ariosa Diagnostics, Inc. v. Sequenom, Inc., U.S. Court of Appeals for the Federal Circuit, Nos. 2014–1139, 2014–1144 Brief of Professors Jeffrey A. Lefstin and Professor Peter S. Menell as Amici Curiae in Support of Rehearing En Banc (Aug. 26, 2015)

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American Broadcasting Companies, Inc., et al. v. AEREO, Inc., F/K/A/ Bamboom Labs, Inc., U.S. Supreme Court No. 13-641, Brief Amici Curiae of Professors Peter S. Menell and David Nimmer in Support of Petitioners (Feb, 28, 2014)

Alice Corporation Pty., Ltd., v. CLS Bank International, et al., U.S. Supreme Court No. 13-298, Brief of Professors Peter S. Menell and Jeffrey A. Lefstin as Amici Curiae in Support of Respondents (Feb. 28, 2014)

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Promoting Patent Claim Clarity, Comments submitted in response to the PTO's Request for Comments on Enhancing Patent Quality (80 FR 6475 (Feb. 5, 2015)), May 2015

Panelist, Roundtable Discussions on Remixes, First Sale, and Statutory Damages, Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy, U.S. Department of Commerce, Berkeley, California, July 2014

Panelist, Music Licensing Study Roundtable, U.S. Copyright Office, Los Angeles, California, June 2014

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Framing the P2P/Copyright Policy Debate, Peer-to-Peer File-Sharing Technology: Consumer Protection and Competition Issues, Federal Trade Commission, Washington, D.C., December 2004

Teaching Materials

IPPpresentations (1998 & annual updates - presentation technology for teaching intellectual property law.

IPNTA Presentations (2017)

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PRESENTATIONS

Presenter, The Use and Misuse of IP Kinship Metaphors, Intellectual Property Scholars Conference, Berkeley, California, August 2018

Co-presenter (with Amit Elazari Bar On), Promoting Responsible Whistleblowing: Reconciling and Reforming CFAA Liability in the Information Age, Intellectual Property Scholars Conference, Berkeley, California, August 2018

Co-presenter (with Daniel Yablon), Useful Article Protection: Tracing and Disentangling the Intellectual Property Landscape, Intellectual Property Scholars Conference, Berkeley, California, August 2018

Co-presenter (with Uri Y. Hacothen), Unjust Endorsement: Endorser and Platform Responsibility in the Social Media Age, Intellectual Property Scholars Conference, Berkeley, California, August 2018

Panelist, The Future of Intermediary Liability, Wikimedia Foundation, San Francisco, California, July 2018

Conference Organizer, Moderator, and Presenter (sessions on Patent Basics, Patent Case Management, Copyright Basics, Copyright Infringement, Copyright Case Management, Digital Copyright, and Digital Copyright Issues), 21st Annual Intellectual Property in the New Technological Age, a four day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, May 22-25, 2018

Presenter, Developments in Patent Case Management, FJC National Workshop for U.S. District Judges, Washington, D.C., May 2018

Presenter, The Use and Misuse of IP Kinship Metaphors, Conference on the Kinship Between Patent and Copyright Law, University of Pennsylvania Law School, December 2017, Philadelphia, Pennsylvania, April 2018

Lead Presenter, The ALI Copyright Restatement Project: A Horse of a Different Color?, Twenty-Sixth Annual Conference International Intellectual Property Law & Policy, Fordham University School of Law, New York City, April 2018

Moderator, Artificial Intelligence and Intellectual Property Panel, Twenty-Sixth Annual Conference International Intellectual Property Law & Policy, Fordham University School of Law, New York City, April 2018

Panelist, Startup Nation Comes to Silicon Valley: Comparing U.S. and Israel Patent Law, U.S. PTO Silicon Valley Office, San Jose, California, February 2018

Panelist, Artificial Intelligence Creating Protectable Artistic Works: The Future of Copyright?, Los Angeles Chapter of the Copyright Society of the U.S.A., Los Angeles, California, February 2018

Presenter, In Search of Patent's Lost Ark; Interpreting Section 101 in Information Age, Cleveland Intellectual Property Law Association, Akron, Ohio, February 2018

Presenter, Rethinking Corporate Integrity: Trade Secrets, Whistleblowers, and the Public Interest, University of Akron School of Law, Akron, Ohio, February 2018

Presenter, The API Copyright Wars, Conference on Algorithms and the Law, Interdisciplinary Center, Herzilya, Israel, December 2017

Panelist, § 101 Update, Advanced Patent Law Institute, Palo Alto, California, December 2017

Panelist, University of Pennsylvania Law Review Symposium: *Star Athletica v. Varsity Brands*, University of Pennsylvania Law School, Philadelphia, Pennsylvania, December 2017

Presenter, Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, Entertainment, Media & IP Colloquium, UCLA School of Law, Los Angeles, California, November 2017

Conference Co-Organizer and Moderator, Panel on Developments in Patent Case Management, Georgetown University Law Center/Berkeley Center for Law & Technology 9th Annual Patent Law and Policy Conference, Washington, D.C., November 2017

Panelist, The Law of Enhanced Damages and How Companies Should Respond to Willfulness Risk, Patent Law in Global Perspective, Stanford, California, October 2017

Panelist, Developments in Trade Secret Law, San Francisco Intellectual Property Law Association Annual Seminar, Sonoma, California, September 2017

Panelist, Copyright Reform: Breaking the Logjam, New Directions in Technology Policy: Removing Barriers to Growth and Innovation, 2017 Aspen Forum, Technology Policy Institute, Aspen, Colorado, August 2017

Presenter, Deterring Extortionate Copyright Demands, Intellectual Property Scholars Conference, New York, August 2017

Presenter, Network Effects, Intellectual Property Scholars Conference, New York, August

August 2018

2017

Lecturer, Course on U.S. Copyright Law for Cuban Government Ministers and Lawyers, sponsored by Center for Inter-American Legal Education (week-long course for 40 participants), Havana, Cuba, June 2017

Conference Organizer, Moderator, and Presenter (sessions on Patent Basics, Patent Case Management, Copyright Basics, Copyright Infringement, Copyright Case Management, Digital Copyright, and Digital Copyright Issues), 20th Annual Intellectual Property in the New Technological Age, a four day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, May 16-19, 2017

Presenter, Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, Harvard Journal of Law & Technology, Harvard Law School, Cambridge, Massachusetts, March 2017

Presenter, Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, Boston University School of Law, Boston, Massachusetts, March 2017

Presenter, Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, NYU Law School, New York, March 2017

Presenter, Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, Penn Intellectual Property Group, University of Pennsylvania Law School, Philadelphia, Pennsylvania, March 2017

Presenter, Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, Copyright Scholarship Conference, University of Pennsylvania Law School, Philadelphia, Pennsylvania, March 2017

Panelist, Legal and Policy Impact, Conference – Blurred v. Bright: The Changing Analysis of Copyright Infringement in Music, Silicon Flatirons, University of Colorado, Boulder, Colorado, March 2017

Presenter, Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, Georgia State University, Berkeley, California, March 2017

Panel Moderator, Pushing the Limits of Intellectual Property Law, USC Gould School of Law Intellectual Property Institute (opening plenary), Santa Monica, California, March 2017

August 2018

Conference Organizer, Patentable Subject Matter Workshop, Berkeley, California, March 2017

Panelist, Domestic and International Impacts, Implementing and Interpreting the Defend Trade Secrets Act, Center for Intellectual Property & Entrepreneurship/Business, Entrepreneurship & Tax Law Review, University of Missouri School of Law, Columbia, Missouri, March 2017

Keynote Address: IP and Social Justice: Mapping the Next Frontier, 14th Annual Intellectual Property Law Seminar, Howard University, Washington, D.C., March 2017

Panelist, Patent Litigation Reform, Simpson Thacher & Bartlett LLP, Palo Alto, California, March 2017

Participant, BCLT Copyright Small Claims Workshop, Berkeley, California, February 2017

Panelist, Patentable Subject Matter Eligibility Debate, Advanced Patent Law Institute, Palo Alto, California, December 2016

USPTO Patentable Subject Matter Eligibility Roundtable, Stanford California, December 2016

Conference Co-Organizer and Moderator, Panels on Developments in Patent Case Management and Patent Remedies, Georgetown University Law Center/Berkeley Center for Law & Technology 8th Annual Patent Law and Policy Conference, Washington, D.C., December 2016

Co-Organizer and Presenter, Patent Litigation Workshop, District of New Jersey, November 2016

Presenter, Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, Georgia State University, Atlanta, Georgia, November 2016

IP and Social Justice: Mapping the Next Frontier, Georgia State University, Atlanta, Georgia, November 2016

Panelist, The Supreme Court on the Useful and the Aesthetic in Copyright Law: *Star Athletica v. Varsity Brands*, University of Pennsylvania Law School, November 2016

Moderator, From the Patent Pilot Courts to the Federal Circuit, What are the Advantages and Disadvantages of Patent Cases Congregating in Courts with Special Patent Expertise?, Eastern District of Texas Bench and Bar, Plano, Texas, October 2016

Panelist, Falling Into the Rabbit Hole: Does the Patent System Need Fixing or Is Somebody Just Trying to Put the Fix In?, Eastern District of Texas Bench and Bar, Plano, Texas, October

August 2018

2016

Panelist, Conference Honoring Judge Ronald M. Whyte, Federal Circuit Bar Association, Stanford, California, October 2016

Keynote Address: IP and Social Justice: Mapping the Next Frontier, SMU Deman School of Law, 13th Annual Symposium on Emerging Intellectual Property: Intellectual Property and Social Justice, Dallas, Texas, September 2016

Panelist, Claim Clarity, Consistency, Santa Clara-Duke-USPTO Quality Conference, Santa Clara, California, September 2016

The Fallacy of *Mayo*'s Double Invention Requirement for Patenting Applications of Scientific Discoveries, Intellectual Property Scholars Conference, Stanford California, August 2016 (with Jeffrey Lefstin)

Presenter, Preliminary Report of the Berkeley Center for Law & Technology Patent Damages Workshop, Conference of Patent Damages (PatDam2016), University of Texas at Austin School of Law, Austin, Texas, June 2016

Panelist, Panel on Patent Trials, U.S. Court of Appeals for the Sixth Circuit Conference, Louisville, Kentucky, May 2016

Conference Organizer, Moderator, and Presenter (sessions on Patent Basics, Patent Case Management, Copyright Basics, Copyright Infringement, Copyright Case Management, Digital Copyright, and Digital Copyright Issues), 19th Annual Intellectual Property in the New Technological Age, a four day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 35 federal judges), Berkeley, California, May 17-20, 2016

Tailoring a Public Policy Exception to Trade Secret Protection, Harvard Law School, Cambridge, Massachusetts, April 2016

Copyright Year in Review, Berkman Center for Internet and Society, Harvard Law School, Cambridge, Massachusetts, April 2016

Co-organizer, Presenter, and Panel Moderator, Copyright, APIs, and Interoperability: Framing the Analysis, Berkeley, California, April 2016

Panelist, FJC-USPTO Patent Law Seminar for Federal Judges, U.S. Patent and Trademark Office, Alexandria, Virginia, April 2016

August 2018

Co-Organizer and Panel Moderator, Patent Damages Roundtable, Berkeley, California, March 2016

Copyright Year in Review, USC Gould School of Law Intellectual Property Institute, Santa Monica, California, February 2016

Panelist, Legal Hurdles and Developments from Supreme Court/Court of Appeals, Federal Circuit, Bloomberg BNA, San Francisco, California, January 2016

Panelist, Navigating, Litigating and Even Avoiding Eligible Subject Matter Questions, Advanced Patent Law Institute, Palo Alto, California, December 2015

Adapting Copyright for the Mashup Generation, Tel Aviv University, Tel Aviv, Israel, November 2015

Tailoring a Public Policy Exception to Trade Secret Protection, Bar Ilan University, Ramat-Gan, Israel, November 2015

Commentator, Copyright Roundtable, University of Pennsylvania School of Law, Philadelphia, Pennsylvania, November 2015

Conference Co-Organizer and Moderator, Panel on Developments in Patent Case Management, Georgetown University Law Center/Berkeley Center for Law & Technology 7th Annual Patent Law and Policy Conference, Washington, D.C., November 2015

Panelist, Conference on Termination of Transfers, Berkeley Center for Law & Technology, Berkeley, California, October 2015

Panelist, *Alice*. Is it a Software Infringers' Wonderland? Or, Will Good Software Patents Somehow Survive?, Eastern District of Texas 2015 Bench Bar Conference, Plano, Texas, October 2015

Panelist, Property Rights in the Digital Age, William & Mary Law School, Williamsburg, Virginia, October 2015

Economic Analysis of Copyright Notice: Tracing and Scope in the Digital Age, at Conference on Notice Failure, Boston University, Boston, Massachusetts, September 2015

Conference Organizer and Presenter, Research Handbook of the Economics of Intellectual Property Law – Vol I (Theory), presentations on Network Effects and Notice Externalities, Berkeley Law, Berkeley, California, August 2015

Presenter, Percolating Intellectual Property Law through Circuit Stewardship: Empirical and Jurisprudential Analysis of En Banc Review (with Ryan Vacca), Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, Illinois, August 2015

Conference Organizer and Presenter, Research Handbook of the Economics of Intellectual Property Law – Vol II (Analytical Methods), presentations on Empirical Studies of Claim Construction (with Jonas Anderson) and Software Protection, Northwestern Univ., Chicago, Illinois, August 2015

Panelist, The Future of Copyright and Online Media Distribution, Stanford eCommerce Best Practices Conference, Stanford Law School, Stanford, California, June 2015

Conference Organizer, Moderator, and Presenter (sessions on Patent Basics, Patent Case Management, Design Patents, Copyright Basics, Copyright Infringement, Copyright Case Management, Digital Copyright, Trade Dress, Trademark Case Management, and Digital Copyright Issues), 18th Annual Intellectual Property in the New Technological Age, a four day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 36 federal judges), Berkeley, California, May 19-22, 2015

Panelist, Has The Transformative Use Doctrine Transformed Copyright Law For Better or Worse?, Media Law Resource Center, Legal Frontiers in Digital Media 2015, Computer History Museum, May 2015

Keynote Address, The 3D Printing Trilemma: Design Innovation, Aftermarkets, and Enforcement, What Every Business Must Know Today About 3D Printing, Roch and Roll Hall of Fame, Cleveland, Ohio, May 2015

Panelist, Copyright and Music Licensing, Fair Use in the Digital Age: The Ongoing Influence of *Campbell v. Acuff-Rose*'s "Transformative Use Test," University of Washington School of Law, April 2015

Copyright Year in Review, USC IP Institute, Los Angeles, California, March 2015

Panelist, Copyright in the Age of Cloud Computing and Similar New Technologies, USC IP Institute, March 2015

Commentator, NBER Digitization Conference, Stanford, California, March 2015

Panel Organizer and Moderator, Interpreting Copyright and Trademark Law in the Digital Age, 2015 Workshop for Judges of the Ninth Circuit, Tucson, Arizona, January 2015

Keynote Address, Domestic Perspectives on the State of the U.S. IP System, 2014 IP Institute, Cravath, Swaine & Moore and NYU Engelberg Center on Innovation Law & Policy, New York, December 2014

Conference Co-Organizer and Moderator, Panel on Developments in Patent Case Management, Georgetown University Law Center/Berkeley Center for Law & Technology 6th Annual Patent Law and Policy Conference, Washington, D.C., November 2014

Patent Case Management: Past, Present & Future, Eastern District of Texas 2014 Bench Bar Conference, Plano, Texas, October 2014

Panelist, IPO's IP Chat Webinar, The U.S. Supreme Court Hearing in *Teva v. Sandoz*, October 2014

Adapting Copyright for the Mashup Generation, Berkeley Law IP Scholarship Seminar, Berkeley, California, October 2014

Copyright Year in Review, Orange County Bar Association, Newport Beach, California, September 2014

Keynote Address, The Trouble with Patent Trolls, Business Law Section, California State Bar Annual Conference State Bar Business Law, San Diego, California, September 2014

Panelist, *ABC, Inc. v. Aereo, Inc.*, Supreme Court IP Review, ITT Chicago-Kent College of Law, Chicago, Illinois, September 2014

Conference Organizer, 14th Annual Intellectual Property Scholars Conference, Berkeley, California, August 2014

Panelist, Roundtable Discussions on Remixes, First Sale, and Statutory Damages, Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy, U.S. Department of Commerce, Berkeley, California, July 2014

Moderator, Taking Hollywood to Trial: The Ins and Outs of High Profile Entertainment Litigation, Berkeley Law Entertainment Network Development (BLEND), Los Angeles, California, July 2014

Intellectual Property in the New Technological Age, Thai Judges Program, Berkeley, California, June 2014

Panelist, Music Licensing Study Roundtable, U.S. Copyright Office, Los Angeles, California, June 2014

Intellectual Property in the New Technological Age, South Korea Law Times, Seoul, Korea, May 2014

Conference Organizer, Moderator, and Presenter (sessions on Patent Basics, Patent Case Management, Copyright Basics, Copyright Infringement, Copyright Case Management, Digital Copyright, and Trade Dress), Intellectual Property in the New Technological Age, a four day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 35 federal judges), Berkeley, California, May 2014

Panelist, Patentable Subject Matter (Section 101), Intellectual Property and Biosciences Conference, Stanford Law School, Stanford, California, April 2014

The Problem of Antiquated Conceptions of Science and Technology in Delineating Modern Patentable Subject Matter Limitations, Research Roundtable on Software and Business Method Patents, Northwestern Law, Chicago, Illinois, April 2014

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, Chicago IP Colloquium, Chicago, Illinois, April 2014

Statutory Damages: The Linchpin of Copyright Reform, Next Great Copyright Act Conference, Berkeley, California, April 2014

Panelist, Creating an Ecosystem that Works for All - Artists, Music Services & Consumers, Music Streaming Conference, UC Hastings School of Law, March 2014

Panelist, U.S. Department of Commerce Public Meeting: Copyright Policy, Creativity and Innovation in the Digital Economy, The Appropriate Calibration of Statutory Damages: Individual File Sharers and Secondary Liability, Washington, D.C., Dec. 2013

Co-Organizer and Presenter, Patent Litigation Workshop, District of New Jersey, December 2013

Brand Totalitarianism, Tel Aviv University Law and Economics Workshop, Tel Aviv, Israel, November 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, Hebrew University School of Law, Jerusalem, Israel, November 2013

Conference Co-Organizer and Moderator, Panel on More Efficient Patent Litigation, Georgetown University Law Center/Berkeley Center for Law & Technology 5th Annual Patent Law and Policy Conference, Washington, D.C., November 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, University of Pennsylvania Law School, Philadelphia, September 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, Cardozo Law School, New York, September 2013

Informal Deference: An Historical, Empirical, and Normative Analysis of the Standard of Appellate Review for Patent Claim Construction, Empirical Patent Conference, University of Illinois at Champaign-Urbana, September 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, University of Indiana Maurer School of Law, Bloomington, Indiana, September 2013

Program Co-organizer and Presenter, Patent Workshop for Federal Judges: 2013, Central District of California, August 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, Sony Pictures, July 2013

Conference Organizer, Moderator, and Presenter (sessions on Patent Basics, Patent Case Management, Design Patents, Copyright Basics, Copyright Infringement, Copyright Case Management, Digital Copyright, Trade Dress, and Trademark Case Management), Intellectual Property in the New Technological Age, a four day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 35 federal judges), Berkeley, California, May 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, Northern California Chapter of the Copyright Society, May 2013

Panelist, Nimmer on Copyright: Celebrating 50 Years, U.S. Copyright Office, May 2013

Press Conference, Release of National Academies Report – Copyright in the Digital Era: Building Evidence for Policy, Washington D.C., May 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, UC Davis School of Law, April 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, UC Hastings College of Law, March 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, George Washington University School of Law (Co-sponsored by the D.C. Copyright Society), March 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, U.S. Copyright Office, Washington, D.C., March 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age. U.S.C. Intellectual Property Institute (Speakers' Dinner Keynote), Los Angeles, California, March 2013

This American Copyright Life: Reflections on Re-equilibrating Copyright for the Internet Age, UC-Berkeley Law, Berkeley, California, March 2013

Moderator, Panel on Sampling, Mixes & Mashups, Conference on Digital Copyright, Stanford Technology Law Review, Stanford, California, February 2013

Rethinking Copyright Enforcement for the Internet Age, 42nd Annual Donald C. Brace Memorial Lecture, Copyright Society of the USA, New York City, January 2013

Panelist, Intellectual Property: Knowledge Assets, Regulatory Rights, or Legal Obligations?, OECD Conference on Knowledge-Based Capital, Washington, D.C., December 2012

Promoting Patent Claim Clarity, Solutions to the Software Patent Problem, Santa Clara High Tech Law Institute, Santa Clara, California, November 2012

Panelist, Patent Law Year in Review, Georgetown University Law Center/Stanford Law School Patent Law and Policy Conference, Washington, D.C., November 2012

Intellectual Property Update, FJC 4th Circuit Conference, Raleigh, North Carolina, November 2012

Appellate Review of Patent Claim Construction: The Reality and Wisdom of a "Mongrel" Standard (with Matthew Powers; moderated by FJC Director Jeremy Fogel), Federal Judicial Center Webcast, October 2012

Notice Failure and Notice Externalities, Northwestern University Digital Markets Roundtable, Chicago, Illinois, October 2012

The Interplay of Copyright, Advertising, and Technological Change, Conference on Brand New World: Distinguishing Oneself in the Global Flow, UC Davis School of Law, Davis, California, October 2012

Moderator, Panel on Enforcement Issues in the Entertainment Industries, Conference on New Developments in Chinese IP Law: Copyright Revisions and Enforcement Challenges, Berkeley, California, October 2012

Copyright Fee Shifting: A Proposal to Promote Fair Use and Fair Licensing (with B. Depoorter), UC-Berkeley Law and Economics Seminar, Berkeley, California, October 2012

Copyright Fee Shifting: A Proposal to Promote Fair Use and Fair Licensing (with B. Depoorter), Intellectual Property Scholars Conference, Stanford, California, August 2012

From *de novo* Review to Informal Deference: An Historical, Empirical, and Normative Analysis of the Standard of Appellate Review for Patent Claim Construction (with J. Anderson), Intellectual Property Scholars Conference, Stanford, California, August 2012

Patent Year in Review and Salient Case Management Issues, National District Court Workshop, San Francisco, July 2012

Copyright and Trademark Year in Review and Salient Case Management Issues, National District Court Workshop, San Francisco, July 2012

Moderator, Understanding the Role of Intermediaries and Recognizing What they Are Doing in the Fight Against Piracy, 2nd Anti- Piracy & Content Protection Summit, Beverly Hills, California, June 2012

Conference Organizer, Moderator, and Presenter (sessions on Patent Basics, Patent Case Management, Copyright Basics, Copyright Infringement, Copyright Case Management, Digital Copyright, Trademark Case Management, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a four day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, May 2012

Conference Organizer and Moderator, Patent Institutions Summit, Stanford, California, May 2012

Notice Failure and Notice Externalities, American Law & Economics Association Annual Conference, Stanford, California, May 2012

Panelist, Can We and Should We Control Online Piracy – and if So, How?, Copyright Office Comes to California, San Francisco, California, May 2012

Patent Year in Review and Salient Case Management Issues, National District Court Workshop, Boston, Mass., April 2012

A Decade After the Digital Copyright Revolution: Lessons Learned and Challenges Ahead, Annual Law in the Information Age Lecture, UC Davis School of Law, March 2012

Panel Moderator and Presenter, U.S. Perspectives, Emerging Law & Policy Issues in the Entertainment Industry, Seventh Hawaii Conference on Telecommunications & IP: US & Korean Perspectives, co-hosted by Seoul National University's Center for Law & Technology and BCLT, Hawaii, February 2012

Moderator, Panel on Copyright and Economic Changes in the Music Business, California Lawyers for the Arts, Berkeley, California, January 2012

Notice Externalities, UC Hastings, Bay Area IP Works in Progress, January 2012

Patent Claim Construction, Advanced Patent Law Institute, Palo Alto, California, December 2011

Patent Law and Patent Case Management, full day presentation to judges in the District of New Jersey, Trenton, NJ, December 2011

Notice Externalities, Stanford Law School, November 2011

Working Group Meetings, National Academies of Sciences Committee on "The Impact of Copyright Policy on Innovation in the Digital Era," Berkeley, California, November 2011

Panelist, First Inventor to File, Back to School: The New Patent Law Explained, Berkeley Center for Law & Technology, Berkeley, California, October 2011

Moderator, Defense 2.0: New Strategies for Managing Patent Risk, Santa Clara University, October 2011

Notice Externalities, Intellectual Property Scholars Conference, Chicago, Illinois, August 2011

Silicon Valley Intellectual Property Law Association, Key IP Decisions During the Past Year and Those Looming on the Horizon, Palo Alto, California, June 2011

Panelist, Secondary Liability – Converging Standards Under Different Theories of Law, 8th Annual Stanford E-Commerce Best Practices Conference, June 2011

Panelist, The Great Debate: Do Patents Help or Hurt Innovation?, IP Business Congress, Intellectual Asset Management, San Francisco, California, June 2011

Working Group Meetings and Public Hearing, National Academies of Sciences Committee on "The Impact of Copyright Policy on Innovation in the Digital Era," Washington, D.C., June 2011

Organizer, Presenter, and Panelist, Improving the US PTO-District Court Interface, Berkeley, California, June 2011

Organizer, Presenter, and Moderator, US PTO-District Court Summit, Berkeley, California, June 2011

Copyright in the Cloud, San Francisco Intellectual Property Law Association Annual Spring Seminar 2011, Napa, California, June 2011

Conference Organizer, Moderator, and Presenter (sessions on Patent Basics, Patent Case Management, Copyright Basics, Copyright Infringement, Copyright Case Management, Digital Copyright, Trademark Case Management, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a four day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 35 federal judges), Berkeley, California, May 2011

Adapting Intellectual Property Law to Technological Change, Conference on Intellectual Property and the Common Law, Center for Technology, Innovation, and Competition, University of Pennsylvania, Philadelphia, Pennsylvania, May 2011

Panel Organizer and Moderator, Panel on Termination of Transfers, 26th Annual ABA Intellectual Property Law Conference, Arlington, Virginia, April 2011

Panelist, Emerging Issues of Secondary Liability in Copyright Law, Symposium on Secondary and Intermediary Liability on the Internet, Stanford Technology Law Journal Symposium, Stanford, California, March 2011

Grounding the Federal Circuit's Patent Role, Conference on Evolving the Court of Appeals for the Federal Circuit and its Patent Law Jurisprudence, Missouri Law Review, Columbia Missouri, February 2011

Notice Externalities and the Development of Intangible Resources, Berkeley Law Faculty Presentation, Berkeley, California, February 2011

Cloud Computing: Intellectual Property Issues, Sixth Hawaii Conference on Telecommunications & IP: US & Korean Perspectives, co-hosted by Seoul National University's Center for Law & Technology and BCLT, Hawaii, February 2011

Moderator, Churchill Club Great Debate: Should Software be Patentable?, Mountain View, California, February 2011

Notice Externalities and the Development of Intangible Resources, Law & Economics Seminar, Stanford, California, February 2011

Panelist, Opening Plenary: Perspectives on Law, Policy and Practice for a Changing Business Environment, American Intellectual Property Law Association, Mid-Winter Meeting, Orlando, Florida, February 2011

Forty Years of Wondering in the Wilderness and No Closer to the Promised Land: *Bilski's* Superficial Textualism and the Missed Opportunity to Ground Patent Law Interpretation and Return Patent Law to its Technology Mooring, Stanford, California, January 2011

Panelist, Non-Practicing Entities at the International Trade Commission, 2011 Silicon Valley Innovation & Law Conference: DC by the Bay, January 2011

Moderator, ITC Section 337 Patent Enforcement Update, Advanced Patent Law Institute, Palo Alto, California, December 2010

Presenter, Caught in a Vise, ETH (Swiss Federal Institute of Technology) and University of Zurich, November 2010

Presenter, Notice Externalities, ETH (Swiss Federal Institute of Technology) and University of Zurich, November 2010

Presenter, In Search of Copyright's Lost Ark: Interpreting the Right to Distribute in the Internet Age, Sports and Entertainment Law Society, Berkeley Law, October 2010

Presenter, The Co-evolution of Copyright and Distribution Platforms, National Academies of Sciences Committee on "The Impact of Copyright Policy on Innovation in the Digital Era," Washington, D.C., October 2010

Presenter and Panelist, Intellectual Property Mechanisms for the Development and Dissemination of Clean Technologies in the U.S., Clean Technology and the Law: The Legal Infrastructure for Promoting the Development and Dissemination of Clean Technologies, University of San Francisco School of Law, San Francisco, California, October 2010

Conference Organizer and Presenter, Advanced Patent Program, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 25 federal judges), Berkeley, California, September 2010

Panel Organizer and Presenter, Patent Case Management, National District Court Workshop, Portland, Oregon, September 2010

Panelist, Launching the USPTO Economic Research Agenda, co-organized by the Berkeley Center for Law & Technology and the U.S. Patent and Trademark Office, Berkeley, California, September 2010

Panelist, Aspen Forum: The Internet and the Media - After the First Wave, What's Next? Technology Policy Institute, Aspen, Colorado, August 2010

Presenter, In Search of Copyright's Lost Ark: Interpreting the Right to Distribute in the Internet Age, Berkeley Faculty Retreat, Asilomar, California, August 2010

Presenter, In Search of Copyright's Lost Ark: Interpreting the Right to Distribute in the Internet Age, Intellectual Property Scholars Conference, Berkeley, California, August 2010

Panel Organizer and Presenter, Patent Case Management, National District Court Workshop, Minneapolis, Minnesota, July 2010

In Search of Copyright's Lost Ark: Interpreting the Right to Distribute and Statutory Damages in the Internet Age, Martindale.com Connected Webinar (with David Nimmer), July 2010

Presenter and Panelist, The Levels & Impact of Domestic Online Copyright Infringement, Copyright Policy, Creativity & Innovation in the Internet Economy, U.S. Patent and Trademark Office - National Telecommunications and Information Administration, Internet Policy Task Force Symposium, Washington, D.C., July 2010

Copyright Termination, Intellectual Property Colloquium (with David Nimmer), Century City, California, June 2010

Panel Organizer and Presenter, Patent Case Management, National District Court Workshop, Washington D.C., May 2010

Conference Organizer and Presenter, The ITC Comes to Silicon Valley, San Jose, California May 2010

Conference Organizer, Patent Case Management Summit Between ITC ALJs and Northern District of California Jurists, San Jose, California, May 2010

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, Trade Dress, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, May 2010

Panel Organizer and Presenter, Patent Case Management, Annual District Conference, Central District of California, April 2010

Pooh-Poohing Copyright Law's "Inalienable" Termination Rights, Intellectual Property Scholarship Seminar, Berkeley, March 2010

Presenter, Will Cleantech Be Revolutionary? A Conceptual Overview of the Government's Roles, Conference on The Cleantech Revolution, Santa Clara University Law School, January 2010

United States Patent Law (a two day course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, November 2009

Conference Organizer and Presenter, Patent Case Management (two-day program), International Trade Commission, November 2009

Caught in a Vise of Greed: Creators and the Challenge of Copyright Policy in the Digital Age, Stanford Law School, October 2009

Caught in a Vise of Greed: Creators and the Challenge of Copyright Policy in the Digital Age, American College of Trial Lawyers Annual Conference, Boston, Massachusetts, October 2009

Presenter, Intellectual Property in the Digital Age, Workshop for Judges of the Seventh Circuit, Springfield, Illinois, September 2009

Presenter and Panelist, The Responsibility of Web 2.0 Platforms for Copyright Infringements – The Viacom-YouTube Lawsuit, Annual Conference on German and American Law 2009, Berkeley, California, August 2009

Commentator, Stanford-Yale Junior Faculty Forum, Stanford, California, May 2009

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, Trade Dress, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, May 2009

Presenter and Panelist, The Notice Function of Patents, Federal Trade Commission hearings on The Evolving IP Marketplace, Berkeley, California, May 2009

Conference Organizer and Presenter, Advanced Patent Law Program, an intensive day-long conference sponsored by the Federal Judicial Center (attended by 15 federal judges), Duluth, Minnesota, April 2009

Presenter and Panelist, Session on Intellectual Property, Northern District of California
Judicial
Conference, Napa Valley, California, April 2009

Digital Copyright, (two day program on copyright enforcement in the digital age), Swiss
Federal Institute of Technology (ETH), Zurich, Switzerland, April 2009

Notice Externalities, at Conference on “What Does the Economics of Property Teach IP
Scholars?”, Boston University, Boston, Massachusetts, April 2009

BCLT Google Book Search Workshop, Berkeley, California, February 2009

The Relationship Between Substantive Law and Enforcement of Intellectual Property, at
conference on “Enforcement Framework and Civil Enforcement,” European Intellectual
Property Institutes Network (EIPIN), Gerzensee, Switzerland, January 2009

Indirect Copyright Liability and Technological Innovation, at Conference on Secondary
Liability in Copyright, Columbia Law School, New York, January 2009

United States Patent Law (a two day course), Swiss Federal Institute of Technology (ETH),
Zurich, Switzerland, November 2008

BCLT Workshop on Patentable Subject Matter, Berkeley, California, October 2008

Presenter and Panelist, IP and Bankruptcy: Licensing Implications, IP Security Interests, and
Collecting Judgments on IP, Intellectual Property Owners Association (IPO) Annual
Conference, San Diego, September 2008

Presenter and Panelist, Setting the Stage: New Technologies and New Entertainment
Challenges, Practising Law Institute (PLI), Technology and Entertainment Convergence 2008:
Business and Legal Issues for the Next Stage of ‘Technotainment,’” San Francisco, September
2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the Central
District of California, August 2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the District
of Delaware, July 2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the Federal
Circuit, June 2008

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, Trade Dress, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, May 2008.

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the District of New Jersey, May 2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the Eastern District of Virginia, May 2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the Southern District of New York, April 2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the Northern District of Illinois, March 2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the District of Massachusetts, March 2008

Panelist and Moderator, Conference on Intellectual Property and Entrepreneurship, Berkeley, March 2008

User Generated Content, Fifth Annual Conference on Telecommunications & IP: US & Korean Perspectives, co-hosted by Seoul National University's Center for Law & Technology and BCLT, Hawaii, February 2008

Determinants of Innovation and Competition in the Software Industry, presentation to visitors from Seoul National University, Berkeley, February 2008

Knowledge Accessibility and Preservation Policy for the Digital Age, Chicago IP Colloquium, Chicago, January 2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the Northern District of California, January 2008

Patent Case Management Judicial Guide - Presentation and Meeting with Judges in the Eastern District of Texas, December 2007

United States Patent Law (a two day course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, December 2007

The Relationship Between Substantive Law and Enforcement of Intellectual Property, at conference on “Enforcement Framework and Civil Enforcement,” European Intellectual Property Institutes Network (EIPIN), Gerzensee, Switzerland, November-December 2007

Knowledge Accessibility and Preservation Policy for the Digital Age, IP Scholarship Conference, Berkeley, November 2007

Keynote Presentation, Cutting Edge Issues in IP Litigation, Cornerstone Research Conference, Hawaii, November 2007

Copyright and Content Governance in Web 2.0, USC Entertainment Law and Business Conference, Los Angeles, California, October 2007

Educating the Judiciary about Intellectual Property Law and Case Management, presentation to members of the Indian Judiciary, October 2007

BCLT/U.S. Patent & Trademark Office Roundtable, Berkeley, September 2007

Intellectual Property Protection for Computer Software, for delegation of Chinese judges and government officials, Haas School of Business, Berkeley, September 2007

Accessibility without Piracy: Reinvigorating Copyright's Deposit and Catalog Functions in the Digital Age, Conference on Copyright in Context, University of Houston Law Center's Institute for Intellectual Property & Information Law, Santa Fe, New Mexico, June 2007

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, Trade Dress, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, May - June 2007.

Managing IP, (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, May 2007

Panelist, Future of Copyright, USC Annenberg Center, May 2007

Legal Realism in Action: Indirect Copyright Liability's Continuing Tort Framework and Sony's *de facto* Demise Intellectual Property Scholarship: IP History and Historiography Workshop, UCLA School of Law, March 2007

Panel Chairperson, Conference on Copyright, DRM Technologies, and Consumer Protection, Berkeley Center for Law & Technology, Berkeley, California, March 2007

Pros and Cons of Open Source Business Models, European Intellectual Property Institutes Network (EIPIN), Gerzensee, Switzerland, February 2007

The Grokster Case, European Intellectual Property Institutes Network (EIPIN), Gerzensee, Switzerland, February 2007

Panel Chairperson, The DRM v. Collecting Societies Debate, European Intellectual Property Institutes Network (EIPIN), Gerzensee, Switzerland, February 2007

United States Copyright Law (a two day course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, January 2007

A Method for Reforming the Patent System, Fourth Annual Conference on Telecommunications & IP: US & Korean Perspectives, co-hosted by Seoul National University's Center for Law & Technology and BCLT, Hawaii, January 2007

United States Patent Law (a two day course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, December 2007

Copyright: From Traditional Concepts to the Digital Age (2 day conference), Mealey's Conference/Lexis-Nexis, San Francisco, December 2006

Economic and Cultural Aspects: A Law and Economics Perspective, at conference on "The Flow of Information in the Digital Millennium, Technological," European Intellectual Property Institutes Network (EIPIN), Munich, Germany, December 2006

Are Software Patents ". . . anything under the sun made by man . . ."? Conference on "Software Patents: A Time for a Change?", Boston University, November 2006

Computer Hardware and Software Law, Program on the Law of the New Economy, University of St. Gallen's Executive Master of European and International Business Law Program, Austin, Texas, November 2006

True Love or Marriage of Convenience: The Property Rights Movement's Embrace of Intellectual Property, Conference on Litigating Taking and Other Legal Challenges to Land Use and Environmental Regulation, Boalt Hall School of Law, Berkeley, October 2006

Intellectual Property in the Digital Age, Workshop for Judges of the Seventh Circuit, Lake Geneva, Wisconsin, October 2006

Promoting Expressive Creativity: Technology, IP, and Business Models, for delegation of Chinese judges and government officials, Haas School of Business, Berkeley, October 2006

The Role of Intellectual Property in Business Formation, for delegation of Chinese judges and government officials, Haas School of Business, Berkeley, October 2006

Cost-Benefit Analysis of Software Patents, Conference on Patents and Diversity, University of Michigan Law School, Ann Arbor, Michigan, September 2006

Intellectual Property in the New Technological Age, for law students from Osaka University, Japan, (lecture in Berkeley, California), September 2006

Unwinding Sony, IP Scholarship Seminar, University of California at Berkeley School of Law, Berkeley, California, September 2006

Accessibility without Piracy: Reinvigorating Copyright's Deposit and Catalog Functions in the Digital Age, Intellectual Property Scholars Conference, Berkeley, California, August 2006

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, Trade Dress, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, June 2006.

Managing IP, (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, May 2006

Political Economy of Intellectual Property Law, Patent Reform Conference, Berkeley Center for Law & Technology, Berkeley, California May 2006

Unwinding Sony, Boston College, Boston, Massachusetts, April 2006

Patent Law and Patent Case Management, National Workshop for Federal Magistrate Judges, Federal Judicial Center, April 2006

IP and the Music Industry, Boalt Hall Alumni Association, Orange County Section, March 2006

Panelist, The Google Library Project: Fair Use or Foul? Copyright Office Comes to California, February 2006

A Direct Analysis of Indirect Copyright Liability, Keynote Address, American Intellectual Property Law Association Mid-Winter Meetings, Palm Springs, California, February 2006

A Direct Analysis of Indirect Copyright Liability, Third Annual Conference on Telecommunications & IP: US & Korean Perspectives, co-hosted by Seoul National University's Center for Law & Technology and BCLT, Hawaii, February 2006

United States Copyright Law (a two day course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, January 2006

Distributive Justice in Copyright Law: Termination of Transfers?, IDC, Herzliya, Israel, December 2005

United States Patent Law (a three day course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, December 2005

Law and Economics of Intellectual Property in the Digital Age, European Intellectual Property Institutes Network (EIPIN), Gerzensee, Switzerland, December 2005

Patently Misguided: A Direct Analysis of Indirect Copyright Liability, European Intellectual Property Institutes Network (EIPIN), Gerzensee, Switzerland, December 2005

Computer Hardware and Software Law, Program on the Law of the New Economy, University of St. Gallen's Executive Master of European and International Business Law Program, Austin, Texas, November 2005

Copyright: From Traditional Concepts to the Digital Age (2 day conference), Mealey's Conference/Lexis-Nexis, New York, November 2005

A Direct Analysis of Indirect Copyright Liability, Boalt Hall School of Law, Berkeley, California November 2005

Developments in Patent, Copyright, and Trademark Law, National Workshop for District Judges, Federal Judicial Center, Houston, Texas, October 2005

Intellectual Property in the New Technological Age, for law students from Osaka University, Japan, (lecture in Berkeley, California), September 2005

Regulating Spyware: The Limitations of State "Laboratories" and the Case for Federal Preemption, Intellectual Property Scholars Conference, New York, August 2005

Framing the P2P/Copyright Policy Debate, presented at panel on "Strange Bedfellows: What Is the Future for Copyright and Peer-to-Peer, Together?", Annual Meeting of the Copyright Society of the U.S.A., Bolton Landing, New York, June 2005

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, Trade Dress, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, May 2005

Regulating Spyware: The Limitations of State “Laboratories” and the Case for Federal Preemption, presented at panel on Regulatory Challenges, Conference on Spyware: The Latest Cyber-Regulatory Challenge, Berkeley, California, May 2005

Indirect Copyright Liability: From Betamax to Grokster and Beyond, Copyright Society, Northern California Chapter, San Francisco, California, April 2005

Keynote Speaker, Training Lawyers and Guiding Law in the New Technological Age, presented at Osaka University, March 2005

Co-organizer, Perspectives on Patent Law and Innovation, co-sponsored by BCLT and the Federal Circuit Bar Association, Berkeley, California, February 2005

Indirect Copyright Liability: From Betamax to Grokster, Second Annual Conference on Telecommunications & IP: US & Korean Perspectives, co-hosted by Seoul National University’s Center for Law & Technology and BCLT, Hawaii, January 2005

United States Patent Law (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, January 2005

Framing the P2P/Copyright Policy Debate, Peer-to-Peer File-Sharing Technology: Consumer Protection and Competition Issues, Federal Trade Commission, Washington, D.C., December 2004

Computer Hardware and Software Law, Program on the Law of the New Economy, University of St. Gallen's Executive Master of European and International Business Law Program, Austin, Texas, November 2004

A Functional Analysis of the “Music Industry,” Cardozo School of Law, New York, October 2004

Developments in Patent, Copyright, and Trademark Law, National Workshop for District Judges, Federal Judicial Center, Seattle, September 2004

Intellectual Property in the New Technological Age, for law students from Osaka University, Japan, (lecture in Berkeley, California), September 2004

Bankruptcy Treatment of Intellectual Property Assets, National Workshop for Bankruptcy Judges, Federal Judicial Center, Seattle, August 2004

Property as a Triadic Relation, Disciplinary Approaches to Teaching Property Panel, Association of American Law Schools' Conference on Teaching Property Law for the 21st Century, Portland, Oregon, June 2004

Organizer and Presenter, IP and Entrepreneurship Symposium, Berkeley, June 2004

Developments in Patent, Copyright, and Trademark Law, National Workshop for District Judges, Federal Judicial Center, Chicago, June 2004

The Music Business Enters the Digital Age: New Distribution Models, DRM, and Enforcement, 2004 Annual Computer and Technology Law Institute, Austin, May 2004

Co-organizer and Presenter, "Ideas Into Action: Implementing Reform of the Patent System," Berkeley, April 2004

Developments in Patent, Copyright, and Trademark Law, National Workshop for District Judges, Federal Judicial Center, Philadelphia, April 2004

Envisioning Copyright's Digital Future, Arizona State University School of Law, March 2004

Defusing the Termination of Transfer Time Bomb, Arizona State University School of Law, March 2004

Economic Analysis of Intellectual Property, Conference on the Handbook of Law and Economics, Stanford Law School, March 2004

Intellectual Property in the Digital Age, Berkeley Executive Program, Haas School of Business, Berkeley, California, February 2004

Keynote Speaker, Toward a Theory of Copyright in the Digital Age, The Digital Challenge to Copyright Law, Santa Clara University School of Law, February 2004

Envisioning Copyright's Digital Future, Telecommunications & IP: US & Korean Perspectives, co-hosted by Seoul National University's Center for Law & Technology and BCLT, Honolulu, Hawaii, January 2004

United States Patent Law (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, January 2004

Computer Hardware and Software Law, Program on the Law of the New Economy, University of St. Gallen's Executive Master of European and International Business Law Program, Austin, Texas, November 2003

The Policy Challenges: Intellectual Property, Antitrust, Regulation, 2003 Businessweek CEO Leadership Forum: Jump-Starting the Upturn, Haas School of Business, Berkeley, California, October 2003

Cutting Edge Issues in Intellectual Property, Workshop for Judges of the Seventh Circuit, Lake Geneva, Wisconsin, October 2003

The Municipal Solid Waste "Crisis" in Retrospect: The Role of Market-Based Mechanisms, Georgetown University Law Center, October 2003

Intellectual Property in the Digital Age, Berkeley Executive Program, Haas School of Business, Berkeley, California, October 2003

Property as a Triadic Relation, University of British Columbia Faculty of Law, Vancouver, British Columbia, September 2003

The Municipal Solid Waste "Crisis" in Retrospect: A Success Story for Market-Based Mechanisms, Twenty Years of Market-based Instruments for Environmental Protection: Has the Promise Been Realized?, Bren School of Environmental Science & Management, University of California, Santa Barbara, August 2003

Top-Down versus Bottom-Up Approaches to Climate Change, presented at Can Technology Spare the Earth?, sponsored by the Foundation for the Research in Economics and the Environment, Gallatin Gateway, Montana, June 2003

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, Trade Dress, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 35 federal judges), Berkeley, California, May 2003

Apple v. Franklin: 20 Years Later, Temple University James E. Beasley School of Law, March 2003

"Fair Use in the 21st Century," The Copyright Office Comes to California, San Francisco, California, March 2003

“Fair Use in the 21st Century,” The Copyright Office Comes to California, Los Angeles, California, March 2003

United States Patent Law (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, January 2003

Computer Hardware and Software Law, Program on the Law of the New Economy, University of St. Gallen's Executive Master of European and International Business Law Program, Austin, Texas, November 2002

Session Organizer and Presenter, Law and Technology, National Symposium for United States Court of Appeals Judges, Washington, D.C., October 2002

Intellectual Property in the New Information Age, MCM St. Gallen Advanced Management Program, Haas School of Business, October 2002

Reunifying Property, Faculty Workshop, University of Toronto, October 2002

Intellectual Property in the Digital Age (intensive two week course), University of Toronto, September - October 2002

Envisioning Copyright Law's Digital Future, Law and Economics Workshop, University of Toronto, September 2002

Defusing the Termination of Transfers Time Bomb, Second Annual Intellectual Property Scholars Conference, Cardozo School of Law, New York, August 2002

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, Trade Dress, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 30 federal judges), Berkeley, California, June 2002

Session Organizer and Presenter, Second Annual Information, Networks, and Technology Law Institute, Peer-to-Peer Networks and Digital Content, San Jose, California, June 2002

Moderator, Peer to Peer and Copyright, 12th Conference on Computers, Freedom, and Privacy, San Francisco, April 2002

Program Organizer and Moderator, Digital Content Roundtable: Filesharing in Napster's Wake Berkeley, April 2002

Guest Lecturer, Sound Recordings and the Termination of Transfers Time Bomb, UCLA School of Law, March 2002

Program Organizer and Presenter, Developments in Intellectual Property Law: National Workshop for Federal District Judges (sessions on patent, copyright, and trademark law), sponsored by the Federal Judicial Center, New Orleans, Louisiana, February 2002

United States Patent Law (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, February 2002

Program Organizer, Second Annual Roundtable on the Future of Television, UC-Berkeley School of Law, February 2002

Intellectual Property in the Information Economy, Top-Down Law, Haas School of Business, February 2002

The Digital Transformation of Copyright Law, A Symposium Honoring Judge Jon O. Newman's Thirty Years on the Bench, New York, January 2002

Filesharing in Napster's Wake: Challenges for Copyright Law, Munger, Tolles & Olson, Los Angeles, California, January 2002

Intellectual Property in the Information Age, St. Gallen Advanced Management Program, Haas School of Business, University of California at Berkeley, December 2001

Program organizer and presenter, Developments in Intellectual Property Law: National Workshop for Federal District Judges (sessions on patent, copyright, and trademark law), sponsored by the Federal Judicial Center, San Diego, California, (December 2001)

Educating Consumers about the Environment: the 3R's, Labels, and Prices, presented at Innovations in Environmental Economics and Policy Analysis: A Seminar for Law Professors, sponsored by the Foundation for the Research in Economics and the Environment, Gallatin Gateway, Montana, July 2001

Toward a Comparative Institutional Framework for Property, Resources, and the Environment, presented at Innovations in Environmental Economics and Policy Analysis: A Seminar for Law Professors, sponsored by the Foundation for the Research in Economics and the Environment, Gallatin Gateway, Montana, July 2001

Intellectual Property in the New Technological Age, week-long course for European doctoral students held at Studienzentrum Gerzensee, Switzerland, June-July 2001

Conference Organizer and Presenter (sessions on Patent Basics, Copyright Basics, Copyright Infringement, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 50 federal judges), Berkeley, California, June 2001.

The Future of Intellectual Property, Silicon Valley Intellectual Property Law Association, Palo Alto, California, May 2001

Conference co-organizer and presenter, Copyright: From Traditional Concepts to the Digital Age, a series of two-conferences sponsored by Law Lectures Institute (with David Nimmer and Lon Sobel) in Washington, D.C. (March 2001), Los Angeles (March 2001), San Francisco (April 2001), and New York (April-May 2001)

Intellectual Property: Case Study on Online Music, PwC FAS Noah's Ark E-Business Training Program @ UCLA, Anderson School of Business, April 2001

Conference Organizer and Moderator, Digital Music, UC-Berkeley Haas School of Business, April 2001

Conference organizer and presenter, U.S. Patent Law, a day long program for Heller Ehrman White & McAuliffe LLP, Berkeley, California, March 2001

Conference Organizer and Moderator, The Present and Future of Television, UC-Berkeley Haas School of Business, March 2001

The Institutional Architecture of Innovation and Competition Law and Policy, presented at Beyond Microsoft: Antitrust, Technology, and Intellectual Property, sponsored by the Berkeley Center for Law & Technology, March 2001

United States Patent Law (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, February 2001

Napster and the Music Industry, Federalist Society Luncheon at the American Association of Law Schools Annual Meeting, San Francisco, California, January 2001

Intellectual Property in the Information Economy, Top-Down Law, Haas School of Business, January 2001.

Copyright Protection for Computer Software, Howard, Rice, Nemerovski, Canady, Falk & Rabkin, P.C., San Francisco, California, November 2000

Conference Organizer and Moderator, Washington Technology Briefing, Boalt Hall School of Law, November 2000

The Centrality of Law in the Information Economy, Management of Technology Program, Haas School of Business, November 2000

Cyberlaw, Workshop for Judges of the 2nd and DC Circuits, Cooperstown, New York, November 2000

Antitrust and IP in the Information Age, Workshop for Judges of the 2nd and DC Circuits, Cooperstown, New York, November 2000.

Cyberlaw, Workshop for Judges of the 8th and 10th Circuits, Colorado Springs, Colorado, October 2000

Panelist, Bay Area Meeting on the Commission on Macroeconomics and Health, Berkeley, California August 2000

Intellectual Property Concerns for E-Commerce Companies, St. Gallen Advanced Management Program, Haas School of Business, University of California at Berkeley, August 2000

Panelist, U.S. Patent and Trademark Office, Roundtable on Business Method Patents, Crystal City, Virginia, August 2000

Intellectual Property Concerns for E-Commerce Companies, PwC FAS Conference, Dallas, Texas, July 2000

Digital Music: Napster, the New Economy, and Copyright, Heller, Ehrman, White & McAuliffe, July 2000

Conference Organizer and Presenter (sessions on Software and Business Method Patents, Copyright -- Software Protection, and Digital Copyright Issues), Intellectual Property in the New Technological Age, a three-day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, June 2000

Conference Organizer and Presenter, Music to Whose Ears? The Debate Over Digital Music, School of Law, University of California at Berkeley, April 2000

Panelist, U.S. Patent and Trademark Office, Study Group on State Sovereign Immunity and Intellectual Property, Washington, DC, March 2000

Intellectual Property Concerns for E-Commerce Companies, PwC FAS Noah's Ark E-Business Training Program @ UCLA, Anderson School of Business, March 2000, May 2000

United States Patent Law (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, February 2000

Economic Implications of *Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank*, Symposium on Recent Developments in Federalism, Loyola Law School, February 2000

Intellectual Property Concerns for E-Commerce Companies, Center for Executive Development, Haas School of Business, University of California at Berkeley, February 2000

Conference Organizer and Presenter, Intellectual Property in the New Technological Age, Workshop for Judges of the Ninth Circuit, sponsored by the Federal Judicial Center and the Berkeley Center for Law and Technology, San Diego, California, January 2000

Using Powerpoint to Teach Property Law, American Association of Law Schools Washington, D.C., January 2000

Panelist, Intellectual Property Rights Research Workshop, National Academies' Science, Technology and Economic Policy Board (STEP), Berkeley, California, October 1999

Intellectual Property Issues, Federal Bar Association Conference on Federal Law and the Internet: Is Cyberspace a Different Place?, Sacramento, California, September 1999

Survey of Intellectual Property Law, Telecommunications Policy Research Conference, Arlington, Virginia, September 1999

Session Organizer and Presenter, Intellectual Property and the Challenges Posed by New Technology, presented at National Workshop for Federal District Judges organized by the Federal Judicial Center, (June (San Francisco, California), August (Baltimore, Maryland), and September (Chicago, Illinois) 1999) (attended by 600 federal judges)

United States Patent Law (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, February 1999

Conference Organizer and Presenter, The Landscape of Intellectual Property Law, a three day conference sponsored by the Berkeley Center for Law & Technology and the Federal Judicial Center (attended by 40 federal judges), Berkeley, California, June 1998

Moderator, Panel on The Emerging Law for Intellectual Property and High Technology in a Global Age, Conference on Boalt in the Global Age, Berkeley, California, California, April 1998

The Evolution of Environmental Governance, Panel on Regulation of Pollutants: Federal, State, and Local, Conference on Power, Politics, and Place: Who Holds the Reins of Environmental Regulation? Berkeley, California, February 1998

Moderator, Panel on Consumer Products, Conference on Science, Law, Information and the Global Marketplace, sponsored by Prop 65 News, San Francisco, California, February 1998

United States Patent Law (a week long course), Swiss Federal Institute of Technology (ETH), Zurich, Switzerland, February 1998

Session Organizer, Intellectual Property and New Technology, American Law and Economics Association, Toronto, Ontario, Canada, May 1997

Session Organizer, Property and Environmental Institutions, American Law and Economics Association, Toronto, Ontario, Canada, May 1997

Discussant, "Rulemaking Processes in Cyberspace," Conference on International Economic Regulation, Georgetown University Law Center, April 1997

Moderator, Technical Protection for Digital Content: Electronic Rights Management Systems, Conference on Digital Content: New Products and Business Models, Center for Law & Technology, University of California at Berkeley, November 1996

"Comparative Institutional Analysis of Risk Regulation," Conference on Law, Risk, and Risk Management, University of California at Berkeley School of Law, October 1996

Berkeley Roundtable on Software Innovation, Center for Law & Technology, University of California at Berkeley School of Law, April 1996

"Structuring a Federal Market-Oriented Eco-Information Policy," Conference on Environmental Federalism, University of Maryland School of Law, April 1995

Discussant, Conference on the Law and Economics of Litigation Reform, Georgetown University Law Center, October 1994

Panelist, "Economic and Public Policy Analysis," 1994 CERCLA Reauthorization and Amendments Legislation, San Francisco Bar Association, October 1994

Discussant, Conference entitled "Towards a Third Intellectual Property Paradigm," Columbia University School of Law, April 1994

"Eco-Information Policy: A Comparative Institutional Perspective," Georgetown University Law Center, February 1994

Chairperson, Panel on "Market Responses to Product Labeling," American Economic Association/Association of Environmental and Resource Economists Annual Meetings, and Presenter, "Eco-Information Policy: A Comparative Institutional Perspective," Boston, Massachusetts, January 1994

Discussant, Panel on the Costs and Benefits of Superfund Cleanups, Conference on Superfund Reauthorization and Empirical Issues, NYU School of Law, December 1993

"Policy Implications of Product Life Cycle Assessment," Keeping California Industry Competitive and Green: A Workshop to Define Critical Research, Education, and Technology Transfer Issues, Department of Engineering, University of California at Berkeley, May 1993

"Eco-Information Policy: A Comparative Institutional Perspective," Faculty Workshop, Stanford Law School, March 1993

Workshop on Digital Libraries, National Science Foundation, XEROX Palo Alto Research Center, December 1992

"The Limitations of Legal Institutions for Addressing Environmental Risks," presented at Institute for Law and Economics Roundtable on Managing Hazardous Waste, University of Pennsylvania School of Law, November 1992

"An Analysis of Government Policies to Stimulate Recycling Markets," presented at session on "Implementing a New Framework for Environmental Policy," Association for Public Policy Analysis and Management Annual Meeting, Denver, Colorado, October 1992

"The Design of Environmental Liability Regimes to Encourage Environmentally Responsible Foreign Investment," presented to the Russian Ministry on Property, Moscow, Russia, October 1992

Conference on Law, Economics and International Patent Reform, Columbia University School of Law, June 1992

"Toward a Coherent Eco-Information Policy," presented at U.S./European Communities Conference on Environmental Policy, Berkeley, California, April 1992

Conference on Constitutional Law and Economics, Panel Chairperson, Stanford Law School, Stanford, California, October 1991

"Beyond the Throwaway Society: An Incentive Approach to Regulating Municipal Solid Waste," presented at Conference on "Engineering Our Way Out of the Dump," sponsored by the National Academy of Engineering, National Academy of Sciences Conference Center, Woods Hole, Massachusetts, July 1991

"Optimal Multi-Tier Regulation: An Application to Municipal Solid Waste," presented at Resources for the Future, Washington, D.C., May 1991

"Does the Current Scheme of Intellectual Property Protection Create Sufficient Economic Incentives for Software Innovation?" presented at Conference on "Computer Software-Intellectual Property Climate for Innovation in the 1990s: A Public Policy Forum," sponsored by the Annenberg Washington Program, Washington, D.C., May 1991

"Market Mechanisms to Encourage Recycling," presented at "Conference on Incentive-Based Strategies for Environmental Protection," sponsored by Senators Timothy Wirth and the late John Heinz and the Kennedy School of Government, Harvard University, Cambridge, Massachusetts, May 1991

Conference on Auto Insurance Reform and New Ways of Paying for the Costs of Driving, Moderator, University of California at Berkeley School of Law, April 1991

"The Limits of Free Market Environmentalism: A Comparative Institutional Perspective," presented at Conference on "Free Market Environmentalism: The Role of the Market in Environmental Protection," Northwestern School of Law, Lewis and Clark College, Portland, Oregon, April 1991

"Optimal Multi-Tier Regulation: An Application to Municipal Solid Waste," presented at Conference on "The Law and Economics of Environmental Policy," sponsored by the European Association of Law and Economics and the Geneva Association for the Study of Risk and Insurance, Paris France, April 1991

"Optimal Multi-Tier Regulation: An Application to Municipal Solid Waste," presented at the Kennedy School of Government, Harvard University, Cambridge, Massachusetts, March 1991

"Beyond the Throwaway Society: An Incentive Approach to Regulating Municipal Solid Waste," presented at the Law and Economics Workshop, University of Toronto School of Law, Toronto, Ontario, Canada, December 1990

"Using Economic Incentives to Regulate the Municipal Solid Waste Stream," presented at Conference on "Integrated Waste Management Systems." Foundation for Research in Economics and the Environment, Seattle, Washington, November 1990

"The Power of the Purse: Financial Incentives as Regulatory Instruments," Rapporteur, Conference sponsored by Law Reform Commission of Canada, Calgary, Alberta, Canada. October 1990

"The Limitations of Legal Institutions for Addressing Environmental Risks," presented at Conference on the Economics of Liability, Stanford Law School, May 1990

"Beyond the Throwaway Society: An Incentive Approach to Regulating Municipal Solid Waste," presented in the Law and Economics Seminar, Harvard Law School, February 1990

"Legal Advising on Corporate Structure in the New Era of Environmental Liability," presented at Conference on Environmental Concerns in Business Transactions, Columbia University School of Law, February 1990

"Beyond the Throwaway Society: An Incentive Approach to Regulating Municipal Solid Waste," presented in the Law and Economics Seminar, Georgetown University Law Center, April 1990

"An Analysis of the Scope of Copyright Protection for Application Programs," presented in the Law, Economics, and Organization Seminar, Yale Law School, October 1989

"Tailoring Legal Protection for Computer Software," presented in the Law and Economics Seminar, Harvard Law School, March 1987

PROFESSIONAL ACTIVITIES

Clause 8 Publishing - Inspired by Article I, Section 8, Clause 8 of the U.S. Constitution, Clause 8 Publishing seeks to promote creation and dissemination of the highest quality and most up-to-date educational resources at fair prices and in a way that ensures that much of the revenue flows to authors. It aims to streamline the publishing process, take full advantage of evolving digital platforms and print-on-demand functionality, and develop innovative educational resources. www.IPNTA.com and www.clause8publishing.com

Founder and Publisher (March 2016 - present)

Synopsys, Inc. (foreign taxation of intellectual property and cost sharing agreements)

Consultant and Expert Witness (May 2017 - Sept. 2017)

Zoll Medical (patent damages)

Consultant (Jan. 2017 - July 2017)

Sequenom, Inc. v. Ariosa Diagnostics, U.S. Supreme Court

Co-Author and Counsel of Record, Amicus Brief in Support of Petition for a Writ of Certiorari (filed Apr. 20, 2016) (with Professor Jeffrey Lefstin)

Sequenom, Inc. v. Ariosa Diagnostics, U.S. Court of Appeals for the Federal Circuit

Co-Author, Amicus Brief in Support of Rehearing En Banc (filed Aug. 25, 2015) (with Professor Jeffrey Lefstin)

Marvin Gaye family (music copyright)

Consultant (Apr. 2015 - present)

American Law Institute, Copyright Restatement Project

Members Consultative Group (2015 - present)

Robin Antonick v. Electronic Arts Inc., U.S. Court of Appeals for the Ninth Circuit, No. 14-15298 (Appellant's Reply Brief)

Counsel (Jan. 2015 - Nov. 2017)

Cindy Lee Garcia v. Google Inc. and YouTube, LLC, U.S. Court of Appeals for the Ninth Circuit (en banc)

Co-Author, Amicus Brief (filed Nov. 25, 2014) (with Shyamkrishna Balganesh, Justin Hughes, and David Nimmer)

Junior Scholars in IP Workshop, Michigan State University, October 2014

Reviewer/Commentator

Teva Pharmaceuticals USA, Inc., et al., v. Sandoz, Inc., et al., U.S. Supreme Court

Co-Author and Counsel of Record, Amicus Brief (filed Jun. 20, 2014) (with J. Jonas Anderson, and Arti K. Rai (brief cited in Supreme Court opinion, 135 S.Ct. 831 (2015)))

Nautilus, Inc. v. Biosig Instruments, Inc., U.S. Supreme Court
Author and Counsel of Record, Amicus Brief (filed Mar. 3, 2014)

American Broadcasting Companies, Inc., et al. v. AEREO, Inc., F/K/A/ Bamboom Labs, Inc., U.S. Supreme Court
Co-Author and Counsel of Record, Amicus Brief (filed Feb. 28, 2014) (with David Nimmer)

Alice Corporation Pty., Ltd., v. CLS Bank International, et al., U.S. Supreme Court
Co-Author and Counsel of Record, Amicus Brief (filed Feb. 28, 2014) (with Jeffrey A. Lefstin)

Evaluation of the Department of Humanities, Social and Political Sciences (D-GESS) at ETH (Swiss Federal Institute of Technology) Zurich (November 2013)
Outside Review Committee Member

Lighting Ballast Control LLC v. Philips Electronics North America Corporation and Universal Lighting Technologies, Inc., U.S. Court of Appeals for the Federal Circuit (en banc)
Author and Counsel of Record, Amicus Brief (filed Jul. 1, 2013)

AT&T/Lucent (Paul Hastings) (interpretation of intellectual property licensing agreements)
Consultant (March 2013- October 2013)

Berkeley Law Entertainment Network Development (BLEND)
Founder and Advisor (February 2013 - present)

U.S. Patent and Trademark Office, Thomas Alva Edison Visiting Professionals Program
Expert Advisor (June 2012 - June 2013) – in residence at the US PTO for one week per month advising on patent and copyright issues.

National Academies of Sciences Committee on “The Impact of Copyright Policy on Innovation in the Digital Era” – COPYRIGHT IN THE DIGITAL AGE: BUILDING EVIDENCE FOR POLICY (2013)
Vice-Chair (July 2010 - May 2013)

Bilski v. Kappos, U.S. Supreme Court
Co-Author and Counsel of Record, Amicus Brief (with Michael Meurer) (filed Oct. 2, 2009)

San Francisco District Attorney (copyright law)
Expert Witness (October 2009 - April 2010)

Thomas Steinbeck and Blake Smyle v. Penguin Group (USA), Inc., U.S. Supreme Court
Co-Author and Counsel of Record, Amicus Brief in Support of Writ of Certiorari
(with David Nimmer) (filed March 2009)

District of New Jersey Patent Local Rules Drafting Committee
Member (June 2008 - present)

F.B.T. (interpretation of recording industry contracts; evolution of digital distribution)
Consultant (September 2008 - present)

Lucasfilm (Harbottle & Lewis) (copyright and trademark protection for artwork, film props,
costumes, and merchandise)
Expert Witness and Consultant (December 2007 - September 2008, November 2009,
November 2010 - March 2011)

MGA, Inc. (Skadden, Arps, Slate, Meagher & Flom, LLP), (interpretation of employment and
licensing agreements; copyright protection for artwork and dolls)
Consultant (November 2007 - 2010)

Nortel (Paul Hastings) (interpretation of intellectual property licensing agreements)
Expert Witness (August 2007 - May 2008)

National Cybereducation Project (NCEP) - Media Institute
Advisory Board (August 2007 - present)

Green Hills Software (Munger, Tolles & Olson LLP) (copyright protection for computer
software)
Expert Witness (August 2006-July 2007)

Cogent Systems (Hennigan, Bennett & Dorman LLP) (trade secret)
Consultant and Expert Witness (August 2006-June 2007)

Yahoo!
Consultant (May 2006)

Lucasfilm and LucasArts (intellectual property licensing agreements and copyright issues)
Consultant (May 2006)

Maxim Integrated Products Inc./McDermott, Will & Emery (patent law)
Consultant and Expert Witness (January 2006 - April 2006)

GlaxoSmithKline(GSK)/Arnold & Porter
Consultant (October 2005 - April 2006)

August 2018

Fairchild Semiconductor Inc./McDermott, Will & Emery (patent law)
Consultant and Expert Witness (August 2005 - October 2005)

Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd., U.S. Supreme Court
Author and Counsel of Record, Amicus Brief (filed January 2005)

HoMedics, Inc./Brooks Kushman Intellectual Property Law
Consultant, copyright case (Jan 2004 - March 2004)

UC Berkeley - United Nations Industrial Development Organization
Member, Faculty Advisory Board

California State Attorney General
Member, Microsoft Judgment Advisory Panel (advise California and other state Attorney General offices about Microsoft's compliance with the antitrust consent decree) (August 2003 - 2008)

Davis, Polk & Wardell/Wilkie Farr & Gallagher (trade secrets in securitization of royalties)
Expert Witness and Consultant (May-June 2003)

ACE Insurance and Casualty Company (patent, trademark, unfair competition, false advertising, and antitrust law)
Expert Witness (August 2002 - 2005)

Cooley, Godward/Keker and van Nest (copyright law)
Consultant and Expert (malpractice case concerning MP3.com) (February 2002 - June 2002)

Finisar Corp. (Digital fiberoptics company)/Milbank, Tweed; Gray, Cary
Consultant (licensing of intellectual property rights) (January 2002 - March 2002)

Gator.com/Claria Corp. (Internet advertising company)/Cooley, Godward
Consultant (intellectual property issues) (October 2001 - December 2001; Sept 2003-present)

OSNR, Inc. (Internet Music Start-up)
Consultant (intellectual property and content licensing) (October 2001 - February 2002)

ACCPAC (software company)/Howard, Rice, Nemerovski, Canaday, Falk & Rabin
Consultant (intellectual property) (November 2000)

U.S. Patent and Trademark Office, Roundtable: Business Method Patents
Panelist (August 2000)

U.S. Patent and Trademark Office, Study Group on State Sovereign Immunity and Intellectual Property (March 2000)

Panelist

Sun Microsystems/Day, Casebeer, Madrid, Winters & Batchelder

Consultant (Intellectual Property and Licensing Issues) (1999)

Oracle (Barbados) Foreign Sales Corporation v. Commissioner, Internal Revenue Service (Docket Nos. 13298-98, 13299-98, 13300-98, 13301-98)

Expert Witness on Behalf of the IRS (licensing of intellectual property)

Microsoft Corporation v. Commissioner, Internal Revenue Service (Docket No. 16878-96)

Expert Witness on Behalf of the IRS (licensing of intellectual property)

United States of America, State of New York, et al. v. Microsoft Corporation (Civil Action No. 98-1232, 98-1233, U.S. District Court, District of Columbia)

Consultant to States' Attorneys General

Workshop on Liability and Redress Issues Arising in Relation to the Draft Biosafety Protocol, European Commission Directorate-General XI (Environment, Nuclear Safety and Civil Protection), London England, July 1998.

Participant

Legal Scholarship Network, Environmental Law and Policy Abstracts

Co-Chairperson, Advisory Board

Berkeley Center for Law and Technology

Co-Founder, Director (1995 - present), **and Executive Director** (2000-05)

Environmental Health and Safety Committee, University of California at Berkeley

Member (1997-2005)

Environmental Sciences Curriculum Planning Committee, University of California at Berkeley

Member (1996-97)

Lotus Development Corporation v. Borland International, Inc., No. 94-2003 (December 1995)

Counsel of Record (Co-authored with Dennis Karjala), Amicus Brief filed in the U.S. Supreme Court

Animal Care and Use Committee, University of California at Berkeley (August 1995 -1999)

Member

Comment of U.S. Copyright Law Professors on the Copyright Office Term of Protection Study, Signatory (published in 12 European Intellectual Property Review 531 (1994)).

Lotus Development Corporation v. Borland International, Inc., Civil Action No. 90-11662-K (D. Mass.)

Co-author (with Dennis Karjala), Amicus Brief to First Circuit Court of Appeals

Harvard Institute for International Development Newly Independent States (NIS) Environment Program

Member, Advisory Panel (November 1993 - present)

Environmental Insurance Issues Task Force, California Insurance Commission

Member (April 1993 - January 1994)

BERKELEY TECHNOLOGY LAW JOURNAL

Faculty Adviser (1993 - present) and **Advisory Board** (2000-present)

Association of American Law Schools -- Intellectual Property Section

Treasurer (1993-94)

American Association of Universities (AAU) Research Libraries Task Force on Intellectual Property Rights in an Electronic Environment

Member (November 1992 - March 1994) -- Developing proposals for university policies governing intellectual property ownership and rights in an electronic environment.

Western Governors' Association Environmental Policy Council

Member (October 1992 - present) -- Advising the Western Governors' Association on the choice and design of incentive-based environmental policy initiatives.

Harvard Institute for International Development/U.S. Agency for International Development

Russian Environmental Liability Task Force (October 1992) -- Advising the Russian Ministry of Property and the U.S. Government regarding environmental concerns associated with foreign investment in Russia.

Lester Center for Entrepreneurship and Innovation, Haas School of Business, University of California at Berkeley

Faculty Advisory Board (May 1992 - present)

Sega Enterprises Ltd. v. Accolade, Inc., Civil Action No. 92-15655 (N.D. Cal.)

Amicus brief on behalf of intellectual property professors. Reprinted in 33 JURIMETRICS 147 (Fall 1992).

ECOLOGY LAW QUARTERLY

Faculty Advisory Board (March 1992 - present)

Environmental Auditing Certificate Program, UC Berkeley Extension Programs in Environmental Hazard Management

Advisory Committee (January 1992 - June 1993)

U.S. CONGRESS, OFFICE OF TECHNOLOGY ASSESSMENT, FINDING A BALANCE: COMPUTER SOFTWARE, INTELLECTUAL PROPERTY AND THE CHALLENGE OF TECHNOLOGICAL CHANGE (May 1992).

External Reviewer

Lotus Development Corporation v. Borland International, Inc., Civil Action No. 90-11662-K (D. Mass.)

Amicus brief on behalf of intellectual property professors.

U.S. Environmental Protection Agency, Office of Exploratory Research, Socioeconomic Peer Review Panel (June 1991, June 1992, June 1994).

Member - reviewed research proposals from social scientists and legal scholars.

Center for the Study of Law, Science and Technology, Interdisciplinary Project to Create a Legal Research Agenda for Issues Arising Out of the Human Genome Initiative (Spring 1991).

Member, Legal Working Group - conference brought together members of the scientific, medical, legal, and social science communities to establish an agenda for the myriad complex legal issues that may arise from the human genome initiative and related advances in the biological sciences. Conference Report is published in 32 Jurimetrics (Winter 1992).

Project 88 - Round II, Harnessing Market Forces to Protect Our Environment (sponsored by Senators Timothy Wirth and John Heinz) (Summer 1990 - Spring 1991).

Staff Member and White Paper Author ("Using Economic Incentives to Regulate Municipal Solid Waste") - project brought together academic, public interest, industry, and government economists and lawyers to propose economic incentive systems for protecting the environment. The final study is published in PROJECT 88 -- ROUND II; INCENTIVES FOR ACTION: DESIGNING MARKET-BASED ENVIRONMENTAL STRATEGIES (May 1991).

U.S. Congress, Office of Technology Assessment, Staying on Top: The Challenges of Technological Change and Global Competition in Protecting Intellectual Property.

Workshop Participant (August 1990 - October 1990) - established to study the role of intellectual property policies in encouraging software innovations and fostering the competitiveness of U.S. software and allied industries.

U.S. Congress, Office of Technology Assessment, Copyright and Home Copying.

Member, Advisory Panel (April 1988 - October 1989) - established to study the extent of home copying of copyrighted material and the implications of such behavior for the efficacy of the intellectual property system. The findings of this study are reported in OTA, COPYRIGHT AND HOME COPYING: TECHNOLOGY CHALLENGES LAW (Oct. 1989).

Center for the Study of Law, Science and Technology, Conference on Computer Software Copyright Protection (February 1989).

Member, Steering Committee (July 1988 - June 1989) - conference brought together intellectual property scholars for the purpose of identifying areas of consensus concerning the proper scope of copyright protection for computer software. Conference Report is published in 30 JURIMETRICS (Fall 1989).

Member, California Bar Association, U.S. Supreme Court Bar (admitted to practice), U.S. Court of Appeals for the Federal Circuit (admitted to practice), U.S. Court of Appeals for the Ninth Circuit (admitted to practice); American Law Institute (since 2015), American Intellectual Property Law Association, Copyright Society of the USA, American Economic Association, American Law and Economics Association, ATRIP (International Association for the Advancement of Teaching and Research in Intellectual Property), various environmental organizations.