

SHUBHA GHOSH

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EDUCATION

Stanford Law School, J.D., with distinction, 1994.

University of Michigan, Ph.D. (Economics), 1988

Amherst College, B.A., History and Economics, *cum laude*, 1984

ACADEMIC APPOINTMENTS

- 2008- **University of Wisconsin Law School**, Professor of Law. Associate Director, Initiatives on Studies in Technology and Entrepreneurship (INSITE); Honorary Fellow, Center for South Asian Studies; Faculty, MSc in Biotechnology Program.
- 2005-2008 **Southern Methodist University, Dedman School of Law**, Professor of Law.
- 2004-2005 **Southern Methodist University, Dedman School of Law**, Visiting Professor of Law.
- 2004-2006 **SUNY, University at Buffalo School of Law**, Professor of Law.
- 2001- 2004 **SUNY, University at Buffalo School of Law**, Associate Professor of Law.
- 2000-2001 **SUNY, University at Buffalo School of Law**, Visiting Associate Professor of Law.
- Summers,
2002-2004 **Southern Methodist University, Dedman School of Law**, Visiting Professor of Law.
- August 2000;
December 2006 **National Law School of India**, Bangalore, India, Visitor.
- 1998-2000 **Georgia State University College of Law**, Associate Professor of Law.
- 1996-1998 **Oklahoma City University School of Law**, Assistant Professor of Law.
- 1988-1991 **University of Texas at Austin**, Assistant Professor of Economics.

PROFESSIONAL EXPERIENCE

Summer 2010	Professor, University of Wisconsin Summer Program, Giessen, Germany. Taught International Intellectual Property Law.
Summer 2009	Professor, Seton Hall Summer Program on Intellectual Property and Pharmaceutical Regulation in European Union, National University of Ireland Galway.
February 2009-	Expert Witness, Wright, Brown & Close, Houston, TX. Trade secret and trademark ownership issues.
May 2008-	Expert Witness, Caddell & Chapman, Houston, TX. Patent damages in infringement suit.
November 2007	Pro-Bono, American Antitrust Institute. Drafted Amicus Brief in support of petitioner in Quanta v. LG Electronics, decided by the United States Supreme Court, June 2008.
July 2007	Expert Witness, Orrick, Menlo Park, California. Antitrust treatment of patent pool.
January 2007-	Fellow, Centre for Competition, Investment, & Economic Regulation, Consumer Unity & Trust Society, Jaipur, India
November, 2006	Expert Witness, Haynes & Boone, Fort Worth, Texas. Copyright litigation involving issue of originality.
August 2006-present	Expert Witness and Consultant, Bickel & Brewer, Dallas, Texas, Litigation involving proposed reforms of Wright Amendment.
April 2006	Visiting Fellow, AHRC Research Centre for Studies in Intellectual Property and Technology Law, University of Edinburgh Faculty of Law.
Summer 2005	Professor, SMU Oxford Summer Program, University College, Oxford.
Summer 2004	Professor, European Summer Program, University of Siena Faculty of Law and Economics.
May 2004-May 2005	Co-Director, NYSTAR Science and Technology Law Center, Joint Project of Syracuse Law School and University at Buffalo Law School.
Summer 2003	Consultant, Consumer Project on Technology, Project on South African Competition Law and pharmaceutical pricing.
2000-present	Consultant, Legal Resources Solution, New York, New York.

2000-2002	www.giglaw.com, an online journal devoted to Intellectual Property and Cyberspace Member and former monthly columnist
Summer 2000	Instructor, CLEO Program, University of Georgia School of Law, Instructor
1998-2003	Lecturer, Oklahoma Bar Review
1995-1996	Consultant, Mellon Foundation
1995-1996	Associate, Baker & McKenzie, San Francisco
1994-1995	Law Clerk, The Honorable John T. Noonan, United States Court of Appeals for the Ninth Circuit, San Francisco
June 1993- August 1993	Department of Justice, Antitrust Division, Summer Honors Program, Washington, D.C.
June 1989- August 1989	Visiting Scholar, International Institute For Applied Systems Analysis, Vienna, Austria
May 1987- August 1987	Consultant, National Academy of Science, Committee on Population, Washington, D.C.

PUBLICATIONS

Books and Book Chapters

Identity and Invention: Patents and the Path to Personalized Medicine, book proposal, under review, Cambridge University Press.

Creativity, Law & Entrepreneurship (with co-editor Robin Paul Malloy), edited volume, Edward Elgar (forthcoming 2010).

Global Issues in Patent Law (with co-authors Martin Adelman and Amy Landers) (2010).

Understanding Intellectual Property, book contract with Lexis-Nexis (with co-authors Donald Chisum, Mary LaFrance, and Tyler Ochoa)(pending 2011).

ACING TORTS (Thomson-West 2009).

Vertical Restraints. Competition, and the Rule of Reason, in *The Law and Economics of Antitrust* 213-233 (Keith Hylton, ed.) (Elgar 2009).

When Property is Something Else: Understanding Intellectual Property Through the Lens of Regulatory Justice, IN INTELLECTUAL PROPERTY AND THEORIES OF JUSTICE 106-121 (Alain Marciano et al., ed.) (Palgrave MacMillan 2008).

Who Doesn't Own Culture?: Two Books on Law's Role in Shaping Culture, IN LAW, CULTURE, AND ECONOMIC DEVELOPMENT: A LIBER AMERICORUM FOR PROFESSOR ROBERTO MCLEAN (JOSEPH J NORTON, ED.) 135-142 (BRITISH INSTITUTE FOR INTERNATIONAL AND COMPARATIVE LAW 2007).

SHUBHA GHOSH, RICHARD GRUNER, JAY KESAN, & ROBERT REIS, INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY: CASES AND MATERIALS (THOMSON-WEST, 2007).

Recognizing Authority in the Marketplace: The Curious and Ubiquitous Problem of Gray Markets, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH VOL. 4: INTERNATIONAL INTELLECTUAL PROPERTY LAW AND POLICY (Peter Yu, ed.) 225-242 (Praeger 2007).

How to Build a Commons: Is Intellectual Property Constrictive, Facilitating, or Irrelevant?, in UNDERSTANDING KNOWLEDGE AS A COMMONS: FROM THEORY TO PRACTICE (Elinor Ostrom and Charlotte Hess, eds.) (MIT Press 2007).

RICHARD GRUNER, SHUBHA GHOSH, & JAY KESAN, INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND MATERIALS, (LEXIS-NEXIS 2006).

Security, Privacy, and Strict Products Liability on the Internet, in SECURING PRIVACY IN THE INTERNET AGE (Margaret Radin and Anupam Chander, eds.) (Stanford University Press, forthcoming) (with Vikram Mangalmurti, Fellow, Carnegie Mellon University Heinz School of Public Policy).

STEVEN E. CHAIKELSON, CHRISTINE A. CORCOS, EDMUND P. EDMONDS, JON M. GARON, SHUBHA GHOSH, WILLIAM D. HENSLEE, ROBERT A. JARVIS, MARK S. KENDE, CHARLES A. PALMER, NANCY L. SCHULTZ, MARTIN R. SCORDATO, LIBBY A. WHITE, THEATER LAW: CASES AND MATERIALS (Carolina Academic Press, 2004)

Competitive Baselines for Intellectual Property Systems in INTERNATIONAL PUBLIC GOODS AND TECHNOLOGY TRANSFER (Keith Maskus and Jerome Reichmann, eds.) (Cambridge University Press, 2005).

The Importance of Patents, Trade-marks and Copyright for Innovation and Economic Performance: Developing a Research Agenda for Canadian Policy, in INTELLECTUAL PROPERTY AND INNOVATION IN THE KNOWLEDGE-BASED ECONOMY. Edited by Jonathan D. Putnam, University of Toronto. Ottawa: Industry Canada, 2006, pp. 3-1-3-91. Available at: <http://strategis.ic.gc.ca/epic/internet/inippd-dppi.nsf/en/ip01265e.html> (with Dr. Mohammed Rafiquzzaman, Industry Canada).

Understanding Immigrant Entrepreneurs in REFRAMING THE IMMIGRATION DEBATE 131-154 (Bill Hing and Ronald Lee, eds.) (UCLA Asian American Studies Center) (1996).

Journal Articles

Open Borders, the U.S. Economic Espionage Act of 1996, and the Global Movement of Knowledge and People, 21 King's Law Journal 1-40(2010)(peer reviewed)

The Transactional Turn in Intellectual Property, 3 University of Dayton Law Review 329-340 (2010)(invited distinguished lecture).

Carte Blanche, Quanta, and Competition Policy, 34(4) Journal of Corporation Law 1209-1242 (2009) (invited symposium on invention, creation, and public policy).

Patenting Games; or, Baker v. Selden Revisited, 11(4) Vanderbilt Journal of Entertainment and Technology Law 871-898.(2009) (invited symposium on user generate content).

Protection and Enforcement of Well-known Mark Rights in China: History, Theory and Future, 7(2) Northwestern Journal of Technology and Intellectual Property 119-161 (2009) (with Brad Luo, Southern Methodist University).

Decoding and Recoding Natural Monopoly, Deregulation, and Intellectual Property, 2008 The University of Illinois Law Review 101-160 (2008).

Dilution and Competition Norms: The Case of Federal Trademark Dilution Claims Against Direct Competitors, 24 Santa Clara Computer & High Tech. L. J. 571-600 (2008).

Predatory Conduct and Predatory Legislation: Exclusive Tactics in Airline Markets, 45 Houston Law Rev. 101-151 (2008) (with Prof. Darren Bush, University of Houston Law Center).

Race-Specific Patents, Commercialization, and Intellectual Property Policy, 56 Buffalo L. Rev. 101-187 (2008).

The Fable of the Commons: Exclusivity and the Construction of Intellectual Property Markets, 40 U.C. DAVIS LAW REVIEW 855 (2007).

Belief: An Essay in Understanding, 54 BUFFALO LAW REV.807-831 (2006).

The Market As Instrument, 59 SMU LAW REV.1717-1731 (2006).

Exclusivity: The Roadblock to Democracy?, 50 SAINT LOUIS UNIVERSITY LAW JOURNAL 799-827 (2006).

When Exclusionary Conduct Meets the Exclusive Rights of Intellectual Property: Morris v. PGA Tour

- and the Limits of Free Riding As An Antitrust Business Justification*, 37 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 723-751 (2006).
- Market Entry and the Proper Scope of Copyright*, 12(3) INTERNATIONAL JOURNAL OF THE ECONOMICS OF BUSINESS 347-359 (2005).
- Patent Law and the Assurance Game: Refitting Intellectual Property in the Box of Regulation*, 18(2) THE CANADIAN JOURNAL OF LAW AND JURISPRUDENCE 307-332 (JULY 2005).
- On Bobbleheads, Paparazzi, and Justice Black*, Symposium on Right of Publicity, 45 SANTA CLARA LAW REVIEW 617-649 (2005).
- The Functions of Transaction Costs: Rethinking Transaction Cost Minimization in a World of Friction*, 47 ARIZONA LAW REVIEW 61-111 (2005) (with Professor David Driesen, Syracuse University College of Law).
- Patents and the Regulatory State: Rethinking the Patent Bargain Metaphor After Eldred*, 19 BERKELEY TECHNOLOGY LAW JOURNAL 1315-1388 (2005).
- What Do Patents Purchase?: In Search of Optimal Ignorance in the Patent Office*, 40 HOUSTON LAW REVIEW 1219-1259 (2004) (with Professor Jay Kesan, University of Illinois School of Law).
- Copyright as Privatization*, 78 TULANE LAW REVIEW 657-737 (2004).
- Deprivatizing Copyright*, 54 CASE WESTERN RESERVE LAW REVIEW 387-501 (2003).
- Globalization, Patents, and Traditional Knowledge*, 17 COLUMBIA JOURNAL OF ASIAN LAW 73-120 (2003)(reprinted in JOURNAL OF PATENT AND TRADEMARK OFFICE SOCIETY).
- Legal Code as Unprotected Expression*, 50 JOURNAL OF THE COPYRIGHT SOCIETY OF THE USA 71-111 (2003)(SPECIAL 50TH ANNIVERSARY ISSUE).
- Gandhi and the Life of the Law*, 53 SYRACUSE LAW REVIEW 1273-1278 (2003).
- Reflections on the Traditional Knowledge Debate*, 11 CARDOZO J. INT'L & COMP. LAW 497-510 (2003).
- The Merits of Ownership; or, How I Learned to Stop Worrying and Love Intellectual Property*, 15 HARVARD JOURNAL OF LAW & TECHNOLOGY 453-496 (2002).
- Colloquium on Privacy and Security*, 50 BUFF. L. REV. 703-754 (2002).
- Pills, Patents, and Power: State Creation of Gray Markets as a Limit on Patent Rights*, 53 FLORIDA LAW REVIEW 789-829 (2001)(reprinted at 14 FLA. J. INT'L L. 217).

Turning Gray into Green: Some Comments on Napster, 23 HASTINGS COMM/ENT LAW JOURNAL 565-586 (2001).

Towards a Theory of Regulatory Takings for Intellectual Property, 37 SAN DIEGO LAW REVIEW 637-709 (2000).

Panel One: The Road to Napster: Internet Technology & Digital Content, 50 AMERICAN UNIVERSITY LAW REVIEW 363-388 (2000).

Where's the Sense in Hill v. Gateway 2000?: Reflections on the Visible Hand of Norm Creation, 16 TOURO LAW REVIEW 1125-1143 (2000).

A Real Options Perspective on Crisis Cartels and the Failing Firm Defense, 68 ANTITRUST LAW JOURNAL 111-124 (2000).

Gray Markets in Cyberspace, 7 JOURNAL OF INTELLECTUAL PROPERTY LAW 3-55 (1999).

Whither Daubert?, TRIAL LAWYERS QUARTERLY 9-20 (February 1999).

Whistling Dixie: The Invalidity and Unconstitutionality of Covenants Against Yankees, 10 VILL. ENVTL. L. J. 57-90 (1999)(with Professor Alfred Brophy, University of Alabama School of Law).

Federal and State Resolutions of the Problem of Daubert and 'Technical or Other Specialized Knowledge,' 22 AM. J. TRIAL ADVOCACY 237-266 (1998).

The Legal, Policy, and Economic Implications of Immigrant Entrepreneurs for the Immigration Reform Debate, 5 UCLA ASIAN PACIFIC LAW REVIEW 15-43 (1998).

An Intellectual Property Optimist Looks at Article 9 and Bankruptcy, 7 FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT L. J. 99-172 (1997).

Takings, the Exit Option, and Just Compensation, 17 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 157-176 (1997).

Property Rules, Liability Rules, and Termination Rights: A Fresh Look at the Employment at will Debate with Applications to Franchising and Divorce, 75 OREGON LAW REVIEW 969-1035 (1996).

An Economic Analysis of the Common Control Exception to Gray Market Exclusion, 15 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL BUSINESS LAW 373-439 (1994).

Reviews, Columns, and Encyclopedia Entries

Book review of Dan Burk & Mark Lemley, *The Patent Crisis in The Intellectual Property Book Review* (2010).

Modeling Globalization from the Bottom Up: A Review Essay of John Braithwaite and Peter Drahos, Global Business Regulation, 39(4) *LAW & SOCIETY REVIEW* 965-979 (2005).

Guest Editor, *LAW AND POLICY*, Special Issue on Law, Technology, and Development (Blackwell Press 2004).

Life in the Anticommons, criticism of CURB YOUR ENTHUSIASM, available at PICTURING JUSTICE web site, www.usfca.edu/pj (2005).

Myriad Troubles Facing Gene Patents, 2(5) *PRECLINICA* 300 (2004) (discussion of cancellation of patent on breast cancer gene sequence in Europe).

Intellectual Property in Bankruptcy, 2(4) *PRECLINICA* 239-240 (2004) (presentation to general audience on bankruptcy and intellectual property).

The Bayh-Dole Act Under Fire, 2(2) *PRECLINICA* 13-14 (2004)(commentary on Bayh-Dole Act and recent claims of conflict of interest at the National Institute of Health).

Shooting Gus van Sant's Elephant, film criticism of ELEPHANT, available at PICTURING JUSTICE web site, www.usfca.edu/pj (2004).

Copyright Act of 1790, *MAJOR ACTS OF CONGRESS VOL. ONE* (BRIAN K. LANDSBERG, ED.) 181-185 (2004).

Copyright Act of 1976, *MAJOR ACTS OF CONGRESS VOL. ONE* (BRIAN K. LANDSBERG, ED.) 185-190 (2004).

Patent Acts, *MAJOR ACTS OF CONGRESS VOL. THREE* (BRIAN K. LANDSBERG, ED.) 116-121 (2004).

Leaving the Friedmans Alone, film criticism of CAPTURING THE FRIEDMANS, available at PICTURING JUSTICE web site, www.usfca.edu/pj (2003).

Belling the Cat Virtually, *Book Review of* STUART BIEGEL, *BEYOND OUR CONTROL?*, 1 *BUFF. INTELL. PROP. L. J.* 240-256 (2002).

Enlightening Identity and Copyright, Book Review of EMMA ROTHSCHILD, ECONOMIC SENTIMENTS, 49 BUFF. L. REV. 1315-1340 (2001).

The Relationship Between Antitrust and Intellectual Property Laws, December 2000, available at www.gigalaw.com.

The Legal Importance of Defining Markets on the Internet, November 2000, available at www.gigalaw.com.

Antitrust Scrutiny of Business to Business Websites, October 2000, available at www.gigalaw.com.

The Antitrust Implications of B2B Electronic Marketplaces, September 2000, available at www.gigalaw.com

MP3 v. the Law: How the Internet Could (But Won't) Become Your Personal Jukebox, July 2000, available at www.gigalaw.com.

Unscrambling Free Speech Law for Cable....and the Internet?, June 2000, available at www.gigalaw.com.

Deciphering Free Speech and the Encryption Debate, May 2000, available at www.gigalaw.com.

Source Code as Free Speech in Encryption Cases, April 2000, available at www.gigalaw.com.

Analyzing Fair Use and the First Amendment on the Internet, March 2000, available at www.gigalaw.com.

Limiting Speech: The Consequences of Quashing Cybersquatting, February 2000, available at www.gigalaw.com.

Revealing the Microsoft Windows Source Code. January 2000, available at www.gigalaw.com.

Book Review: *Law and Economics Anthology* (Kenneth G. Dau-Schmidt & Thomas S. Ulen eds.); *Foundations of the Economics Approach to Law* (Avery Katz, ed.), 23 THE LEGAL STUDIES FORUM 599-606 (1999).

Book Review: Jamie Cassels, *The Uncertain Promise of Law: Lessons from Bhopal* (Univ. of Toronto Press, 1993), 13 STANFORD ENVIRONMENTAL LAW JOURNAL 264-276 (1994).

SELECTED PRESENTATIONS AND APPEARANCES

Organizer and Presenter, Intergenerational Equity and Intellectual Property, Wisconsin Law Review Symposium, November 2010.

Presenter, BRIC's and the New Law and Development, FGV School of Law, Sao Paulo Law School, November, 2010.

Law Review Symposium on Transparency in Government, Elon Law School, October, 2010.

Co-organizer, Canadian Law and Economics Association Annual Meeting, October, 2010.

Presenter, Texas Wesleyan Faculty Workshop, October, 2010.

Presenter and Organizer, Three Panels on Law and Creativity, Law and Society Annual Meeting, May, 2010.

Presenter and Commentator, Future of Intellectual Property, University of Leeds, March, 2010.

Presenter, Global Intellectual Property Law and Open Borders, King's College Law School, March, 2010.

Presenter, Law and Development and BRIC's, workshop organized by Professor David Trubek, March, 2010.

Commentator, Intellectual Property Developments in Mexico, John Tower Center Conference on Doing Business in Mexico, Dallas, Texas, March 2010.

Organizer and Presenter, Global Legal Studies Panel on Intellectual Property Commercialization, February, 2010.

Organizer and Presenter, Global Legal Studies Panel on Intellectual Property Commercialization, February, 2010.

Moderator, Private Orderings, AALS Section on Intellectual Property, AALS Annual Meeting, New Orleans, January, 2010.

"Entrepreneurship and IP in a US Research University," Center for Innovation and Structural Change, Cairnes School of Management, National University of Ireland Galway.

"Transactions through an IP Lens," AALS Workshop on Transactional Law, Long Beach, CA, June 13, 2009.

"Carte Blanche, *Quanta*, and Competition Policy," Workshop on Invention, Creation, and Public Policy, University of Iowa Law School, February 13-14, 2009.

"Patenting Games," Workshop on Intellectual Property, Vanderbilt Law School, November 14, 2008.

"Effects of the Economic Espionage Act on Skilled Immigrant Labor," University of Wisconsin Ideas and Innovation Series, Madison, Wisconsin, October 24, 2008; University of Wisconsin Business School, November 4, 2008.

"Expressive Works as Trademark Infringement," Debate with Professor William Ford, John Marshall Law School, Sponsored by Intellectual Property Students Organization, University of Wisconsin Law School, Madison, Wisconsin, October 22, 2008.

"Intellectual Property as a Business Asset," Conference on Commercialization and Intellectual Property, Nanjing University, Nanjing, China, October 18, 2008.

"Doing Business in India: Intellectual Property and Competition Law Perspectives," University of Wisconsin Executive Education Program, Abbott Labs, Chicago, Illinois, October 7, 2008.

"Intellectual Property, Migration, and the Economic Espionage Act," Intellectual Property Scholars Conference, Stanford Law School, August, 2008.

"IP as CP: Competition Policy Norms in Intellectual Property," Invited Distinguished Lecture, John Marshall Law School, Chicago, IL, April, 2008.

Comments on "The Benefits of Private Antitrust Enforcement," Institute for Consumer Antitrust Studies, Loyola Law School, Chicago, IL, April, 2008.

"IP Developments in India," Doing Business in India Conference, CAIL, Plano, TX, April, 2008.

Comments on Besen and Meurer's Patent Failure, University of Georgia Law School, Athens, GA, March, 2008.

"Competition and Intellectual Property Developments in India," Workshop on Intellectual Property and Development, University of Illinois Law School, Champaign, IL, March, 2008.

"Race and Entrepreneurship: Patenting Personalized Medicine," Workshop on Law and Entrepreneurship, The University of Arizona Law School, Tucson, AZ, March, 2008.

"Belief: At The Intersection of Religious and Market Fundamentalism," Faculty Workshop, Thomas Jefferson Law School, San Diego, CA, February, 2008.

"Competition Norms and IP Before the Supreme Court: The Quanta v. LG Electronics Litigation," CLE on Intellectual Property, Northern Kentucky University, Cincinnati, Ohio, February, 2008.

Comments on Papers by Aviva Bernstein and Katje Weckerstorm, MSU IP Scholars Conference, E. Lansing, MI, February, 2008.

Comments on James Hackney's Under Cover of Science, AALS Section of Socioeconomics Annual Meeting, New York, New York, January, 2008.

"How Far Does The Long Arm of Patent Law Reach?: The Supreme Court's Review of the First Sale Doctrine in *Quanta v. LG Electronics*," Annual Federalist Society Meeting, Washington, D.C., November, 2007.

"Dilution Claims Against Direct Competitors," The 45th Annual Intellectual Property Conference, Center for American and International Law (CAIL), Plano, Texas, November 2007.

"Digital Rights Management: How Intellectual Property Protects Ordinary Objects," Department of Engineering Short course on Intellectual Property, Southern Methodist University, Dallas, Texas, October, 2007.

"Parallel Imports and Intellectual Property Policy," ALI-ABA Conference of Cross-Border Issues in Intellectual Property, Toronto, Canada, October, 2007.

"Race Specific Patents and Intellectual Property Policy," The University of Wisconsin Law School, October, 2007.

"Patents, Pharmacogenomics, and Venture Capital: The Role of PTO Oversight," Center for Entrepreneurship, The University of Wisconsin School of Business, October, 2007.

"Dilution and Competition Norms," Conference on Trademark Dilution, Santa Clara School of Law, October, 2007.

"Normative Law and Economics," Canadian Law and Economics Association Annual Meeting, University of Toronto Faculty of Law, September 2007.

"Race, Markets, and Patents," Seventh Annual Intellectual Property Scholars Conference, DePaul College of Law, August, 2007.

"Roundtable for Collaborative Research Network on Intellectual Property, Culture, and Society," Law and Society Annual Meeting, Berlin, July, 2007.

"Identifying Competitive Norms in Intellectual Property," Session on Property Rights: Structures of Property, Session on The Legal Regulation of Art and Fashion, and Session on Market Access, Law and Society Annual Meeting, Berlin, July, 2007.

"Property and Competition," Conference on Property, Citizenship, Sovereignty, and Entrepreneurship, University of Durham, July, 2007.

“Internet Market Diversity,” ALI-ABA Conference on Internet Law, Washington, D.C., May, 2007.

“Are Patents Private Property Under the Fifth Amendment?,” The Federalist Society for Law and Public Policy Luncheon Symposium, Washington, D.C., March, 2007.

“Racial Categories in Patent Law: Reflecting Social Hierarchies or Creating Them?,” Howard University School of Law. Conference on Intellectual Property and Social Justice, March 2007; University of Oklahoma College of Law Faculty Workshop, February, 2007.

“Is Intellectual Property Constitutionally Protected Property?,” Debate Series, Intellectual Property Center, University of Richmond School of Law, February, 2007.

Lectures on the Law and Economics of Intellectual Property, National Law School of India University, Bangalore, India, December, 2006.

“Deregulation, Intellectual Property, and Competition Policy, International Conference on Impact of TRIPS, Indo-US Exchange, National Academy of Legal Studies and Research, Hyderabad, India, December, 2006.

Panel Discussion of Intellectual Property Issues confronting the Courts, Appellate Judges Education Institute, Dallas, Texas, November, 2006.

“A Bend in the River?: Intellectual Property and the Supreme Court’s 2005-2006 Term,” Appellate Judges Education Institute, Dallas, Texas, November, 2006.

"Decoding and Recoding Natural Monopoly, Deregulation, and Intellectual Property," Annual Intellectual Property Scholars Meeting, Boalt Hall School of Law, Berkeley, California, August, 2006.

"Economics and Intellectual Property," AALS Mid-year Meeting of the Intellectual Property Section, Vancouver, British Columbia, June 15, 2006.

“Exclusivity and the Construction of Intellectual Property Markets in Cyberspace and Real Space,” Public Lecture, Oxford Internet Institute, Oxford University, April 10, 2006.

“The Fable of the Commons: Rethinking Intellectual Property Rights and the Construction of the Commons,” Public Lecture, AHRC Research Centre for Studies in Intellectual Property and Technology Law, University of Edinburgh Faculty of Law, April 6, 2006.

“The Fable of the Commons,” Symposium on Intellectual Property and Distributive Justice, University of California, Davis, School of Law, March 10, 2006.

“Experimental Use,” Facultes Universitaires, Centre Innovation-Propriete Intellectuelle (CIPI), Brussels, Belgium, October 28, 2005.

“How the Grokster Decision Makes Copyright More Like Patent,” Conference on Peer to Peer and File Sharing Technologies, Santa Clara Law School, October 7, 2005.

“Intellectual Property and Privatization,” participant, Childress Lecture Series, Saint Louis University School of Law, September 30, 2005.

Interviewed on Squawk Box, CNBC, about Grokster case, June 6, 2005.

“Exclusivity, Free Riding, and Antitrust,” Institute for Consumer Antitrust Studies, Loyola Law School, Chicago, April 8, 2005.

“Patents and the Regulatory State,” Faculty Seminar Series, University of Ottawa Faculty of Law, March 15, 2005.

“Strict Liability for Information Privacy Breaches,” Symposium on Cybersecurity: Developing a Legal and Regulatory Framework for Cybersecurity, Carnegie Mellon University and Internet Security Alliance Joint Symposium, October 13-14, 2004, National Press Club, Washington, D.C.

“Intellectual Property and Distributive Justice,” Annual Conference of the Society for Economic Research of Copyright Issues, Turin, Italy, July, 2004; University of Sienna Summer School, July, 2004.

“Decentering Property,” Law and Society Annual Meeting, Chicago, Illinois, May, 2004.

“Author Meets Reader Panel: Discussion of Robin Paul Malloy’s Law in a Market Context,” Law and Society Annual Meeting, Chicago, Illinois, May, 2004.

“A Social Insurance Perspective on Cybersecurity and Privacy,” Conference on Security and Privacy in Cyberspace, Stanford Law School, March, 2004.

“Standard Setting Organizations and the Duty to Disclose Patents: A Discussion of the Federal Circuit’s Decision in Rambus v. Infineon Technologies,” Erie County Bar Association, Intellectual Property Section, Monthly Meeting, December, 2003.

“Son of Sony: Comments on Grokster,” Niagara Falls Intellectual Property Law Association Meeting, November, 2003.

“Copyright as Privatization,” Oxford Intellectual Property Research CenterCentre, St. Peter’s College, Oxford University, October, 2003.

“Culture, Copyright and the Public Domain,” Seminar Series on Institutionalism, University at Buffalo Law School, September, 2003.

“Understanding Copyright Markets,” IP Scholars Conference, Tulane Law School, October, 2003; IP Scholars Conference, Boalt Hall, August, 2003; Annual Meeting of American Law and Economics Association, September 2003.

“Recent Cases from the Federal Circuit,” Intellectual Property Continuing Legal Education Seminar, Law Firm of Hodgson Russ, Buffalo, New York, August, 2003.

“Rights of First Entry in Derivative Markets,” Society for Economic Research in Copyright Issues Annual Meeting, Northampton, Mass., June, 2003.

Television Appearance, WKBW-TV, Buffalo, New York, interviewed on privacy in social security numbers, May, 2003.

“Competitive Baselines for Intellectual Property Systems,” Conference on Global Public Goods and Technology Transfer, Duke University School of Law, April, 2003.

“Country Level Domain Names in India,” Conference on Ruling the Root, Cardozo Law School, March, 2003.

“Law and Economics and Other Schools of Jurisprudence,” Meeting of the AALS Section of Law and Economics, AALS Annual Meeting, Washington, D.C., January, 2003.

“Foreseeability and the Scope of the Patent Grant,” Conference on International Patent Law, Cardozo Law School, November, 2002.

“Manufacturing Law,” Boston University School of Law, October, 2002; IP Scholars Conference, Cardozo Law School, August, 2002.

Radio Appearance, Buffalo Beat, NPR, interviewed on new JD/MA in economics program, August, 2002.

“Kelly v. Arriba Soft: Copyright Treatment of Search Engines and Linking,” Intellectual Property Continuing Legal Education Presentation, Law Firm of Hodgson Russ, Buffalo, New York, April, 2002.

“Literary Woman and Economic Man Revisited,” Conference on Law, Culture, and Humanities, University of Pennsylvania Law School, March, 2002.

“Reflections on the Traditional Knowledge Debate,” Conference on Traditional Knowledge and Intellectual Property Systems, Cardozo Law School, February, 2002.

"Pharmaceutical Patents," Joint Panel of AALS Sections on Patent Law and Health Law, AALS Annual Meeting, New Orleans, January, 2002.

"Contracts and Socio-economics," AALS Section on Socio-economics, AALS Annual Meeting, New Orleans, January, 2002.

"Intellectual Property and Market Creation: On Napster and Neem," invited lecture, Syracuse University School of Law, October, 2001.

"Comparison of Canadian and US Copyright and Trademark Law," Intellectual Property and Innovation in the Knowledge-Based Economy, Industry Canada and Center for Innovation, University of Toronto Faculty of Law, May, 2001.

"Fixed Costs, Public Goods, and Napster," Conference on Beta-testing the First Amendment, Hastings College of Law, April 2001.

"Understanding the Public Domain," Commodification Futures Conference, University of Denver College of Law, April, 2001.

"Gray Markets, Intellectual Property Rights, and Access to Pharmaceuticals," University of Florida School of Law, Symposium on Intellectual Property, February, 2001.

"Beyond Napster: Debating the Future of Copyright on the Internet," American University, Washington College of Law, November, 2000.

"Traditional Knowledge, Intellectual Property, and Biodiversity," invited lecture, Vermont Law School, October, 2000.

Television Appearance, WKBW-TV and WIVB-TV, Buffalo, New York, interviewed about Napster, October, 2000.

"Real Options and Antitrust Law," Antitrust Section of the American Bar Association Symposium, Washington College of Law, American University, September, 2000.

"Market Definition for Web-Based Transactions," Joint ABA and AALS Session on Antitrust Law, American Bar Association Antitrust Section, Annual Meeting, Washington, D.C., April, 2000.

"Norms and Gateway2000," AALS Section on Contract, AALS Annual Meeting, January, 2000.

"Bundling Information Products After Microsoft," Joint Meeting of the Antitrust and Intellectual Property Sections of the State Bar of Georgia, Atlanta, GA, December, 1999.

"Product Innovation and the Biomaterials Access Assurance Act of 1998," Meeting of the Products Liability Section of the American Bar Association, Atlanta, GA, November, 1999.

"Coase, Causation, and Expert Witnesses" Canadian Law and Economics Association Annual Meeting, University of Toronto, September, 1999.

"State Sovereign Immunity and the Aftermath of College Savings," South Eastern Association of American Law Schools Annual Meetings, Hilton Head, South Carolina, July, 1999.

"The Origins of 'Intellectual' Property," Law & Society Annual Meeting, Chicago, Illinois, May, 1999.

"Gray Markets in Cyberspace," Works in Progress Series, Boston College Law School, October, 1998.

"The Economic Theory of the Family from an Evolutionary Perspective," First Annual Society of Evolutionary Analysis of the Law Conference, Pace University, October, 1998.

"Gray Markets and Club Goods in Cyberspace," Canadian Law and Economics Association Annual Meeting, University of Toronto, September, 1998.

"Expert Testimony and Social Science," Law & Society Annual Meeting, Aspen, Colorado, May, 1998; Central States Law School Conference, Tulsa, Oklahoma, October, 1997.

"Employment at will: A Property Rights Perspective," Works in Progress Series, UCLA Law School, September, 1996; American Law & Economics Association Annual Meetings, Chicago, Illinois, May, 1996.

"Immigrant Entrepreneurship," various audiences of legal and business professionals, New York City, Dallas, Houston, San Francisco, March-April, 1996.

"Gray Marketing," George Mason Law School, January, 1994; Stanford Law School, Oct., 1993.

"International Trade and Population Growth," Midwest Regional International Conference, Kellogg School of Business, Northwestern University, May, 1991.

"Transfers within the Family," University of Chicago Dept. of Economics, February, 1989; University of Pennsylvania Dept. of Economics, January, 1988.

ORGANIZED PANELS AND CONFERENCES

Organizer, Wisconsin Law Review Symposium on Intellectual Property and Intergenerational Equity, University of Wisconsin Law School, November 12-13, 2010.

Organizer, Workshop on Creativity, Law, and Entrepreneurship, Institute for Legal Studies, INSITE, and Global Legal Studies, University of Wisconsin-Madison School of Law, April, 2009.

Organizer, “The Elephant and the Dragon: Comparative Issues in Law and Development Facing China and India,” The National Law School of India University, Bangalore, India, jointly with SMU Dedman School of Law, SMU Tower Center, Shanghai University of Finance and Economics, and The University of Hong Kong, May, 2008.

Organizer, Panels on Culture, Society and Intellectual Property, Law and Society Annual Meetings, Chicago (2004), Berlin (2007), Montreal (2008).

Organizer, Workshop on Ownership and Repatriation of Cultural Heritage, Baldy Center for Law and Policy, April, 2004.

Organizer, Workshop on Law, Technology, and Development, Baldy Center for Law and Policy, March, 2003. Proceedings to be published in Law & Policy.

Organizer, Panel on Teaching Law and Economics, American Association of Law Schools Annual Meeting, January, 2003.

Commentator, Workshop on Technology and Libraries, Baldy Center for Law and Policy, March, 2002.

Organizer, Panel on Economics and Intellectual Property, American Association of Law Schools Annual Meeting, January, 2002.

“Institutional Economics,” Session Organizer and Chair, Canadian Law and Economics Conference, University of Toronto Faculty of Law, September, 2002.

“Lotteries,” Session Organizer and Chair, Canadian Law and Economics Conference, University of Toronto Faculty of Law, September, 2002.

"Game Theory Panel," Session Organizer and Chair, Canadian Law and Economics Conference, University of Toronto Faculty of Law, September, 2001.

COURSES AND ACADEMIC SUPERVISION

Intellectual Property in Business Organizations (Spring 2009, 2007; Fall 2009); Intellectual Property Licensing Seminar (Spring 2006); Patent Litigation (Spring 2006); Patent Law (Spring 2005, Summer 2005, Fall 2008, 2007, 2005); Internet Law (Summer 2004, 2003); Copyright (Spring 2005, 2004, 2003, 2002, 2001); Intellectual Property (Summer 2009, 2008, 2007, 2006, 2003; Fall 2009, 2008, 2006, 2002, 2001, 2000, 1997); Law and Economics (Fall 2005, 2001, 2000; Spring 1998, 1997); Antitrust and

Intellectual Property (Fall 2002; Spring 2001); International Intellectual Property (Fall 2009, Summer 2009, 2005, Spring 2004, 2002); Trademark Law (Spring 2003); International Patent Law (Spring 2004); Torts (Spring 2008, 2007, 2005, 2000, 1999; Fall 2007, 2006, 2004, 1999, 1998); Property (Spring 1998); Business Associations (Summer 2002, 2000, 1999; Spring 1998, 1997, 1996; Fall 1997, 1996); Antitrust (Spring 2000, 1999).

LLM Supervisor, Do Wang Jin, University of Wisconsin Law School, project on economic analysis of noncompetition covenants, 2008-present.

Ph.D. Committee Member, Andrew Dunning, SMU Perkins School of Theology, dissertation on intellectual property and social justice, 2009-present.

Outside Reader, “Empirical Investigation of Attitudes Towards Copyright by Academics,” PhD dissertation of Shahren Ahmed Zaidi Adruce, PhD candidate, Syracuse University School of Information Studies, January, 2004.

Supervised independent studies: **at Buffalo**: Christopher Copeland, “Doctrine of Equivalent” (Fall 2001; Spring 2002); Charles Miller, “Native American Intellectual Property” (Spring 2002); Cindy Majewski, “Chinese Trademark Law” (Fall 2002); Erika Mirabella, “Right of Publicity and the First Amendment” (Fall 2003); Thad McMurray, “Employee Patent Rights in Japan” (Spring 2004)(winner of first place prize in NY State Bar IP Section Competition, 2005); Laura Lombardo, “Intellectual Property Issues in the Art Framing and Reproduction Industry” (Fall 2004); **at SMU**: Brad Luo, “Enforcement of Famous Marks in China” (Fall 2007); Wei Li, “Nonobviousness and Patents in the Computer Electronics Industry” (Fall 2007); **at Wisconsin**: Lucas Divine, “The On Sale Bar After Quanta” (Summer 2009).

Supervised Intellectual Property Practice (at Buffalo): Rebecca Dalpe (Spring 2002; Albright-Knox placement); Rachel Williams (Fall 2002; Albright-Knox placement); Mary Beth Priore (Fall 2002; Association of Writers and Publishers placement).

ACADEMIC SERVICE

Chair, Faculty Promotion and Tenure Committee, University of Wisconsin Law School, 2009 to present.

Representative, Faculty Senate, University of Wisconsin Law School, 2008 to present.

Member, Committee to Select Hastie Fellow, University of Wisconsin Law School, 2008 to present.

Member, Library Committee, University of Wisconsin Law School, 2008 to present.

Editor, The International Lawyer, SMU Dedman School of Law, 2006-2008.

Faculty Adviser, Computer Law Review and Technology Journal, SMU Dedman School of Law, 2006-2008.

Member, University Technology Teaching Committee, Southern Methodist University, 2006-2008.

Member, Curriculum Committee, SMU Dedman School of Law, 2006-2008.

Member, Graduate Committee, SMU Dedman School of Law, 2006-2008.

Promotion and Tenure Reviews for faculty at University at North Carolina-Chapel Hill Law School; University of Louisville Law School; Michigan State Detroit College of Law; Loyola Chicago Law School; University of South Florida, Department of Economics and Geography; Fordham Law School; Emory Law School; University of Toronto Faculty of Law; University of Oklahoma College of Law; University of Maine School of Law; University of San Diego School of Law.

Member, History Department Appointments Committee, South Asianist Search, University at Buffalo, SUNY, 2003-2004.

Faculty Senate Computer Services Committee, University at Buffalo, SUNY, 2002-2006.

Director, Intellectual Property Practice Course, University at Buffalo Law School, SUNY, 2002-present.

Co-director, Program on Regulation and Technology, Baldy Center for Law and Social Policy, University at Buffalo Law School, SUNY, 2001-present.

Co-Director, Concentration in Technology and Intellectual Property, University at Buffalo Law School, SUNY, 2001-present.

Admissions Committee, University at Buffalo Law School, SUNY, 2001-2002.

Faculty Adviser, BUFFALO INTELLECTUAL PROPERTY LAW JOURNAL, University at Buffalo Law School, SUNY, 2000-present.

Admissions Committee, Georgia State University College of Law, 1999-2000.

PROFESSIONAL SERVICE

Refereed articles for following journals: ANTITRUST LAW JOURNAL, INTERNATIONAL REVIEW OF LAW AND ECONOMICS, LAW & POLICY, JOURNAL OF FINANCE, JOURNAL OF ECONOMIC ISSUES IN COPYRIGHT; LAW & POLICY REVIEW.

Reviewed book manuscripts for: ASPEN LAW & BUSINESS PRESS, OXFORD UNIVERSITY PRESS, CAMBRIDGE UNIVERSITY PRESS, FOUNDATION PRESS.

Member, Executive Committee, Canadian Law and Economics Association, 2000-present.

Member and Treasurer, American Association of Law Schools Section on Law and Economics, 2001-present.

Member and Conference Organizer for Sessions on Works in Progress, Northeast Law Professors of Color Conference, 2001-2003.

Member and Treasurer, Conference on Asian Pacific American Law Faculty, 2000-present.

HONORS AND FELLOWSHIPS

Fulbright Research Grant, India, awarded for 2003-2004; awarded for 2001-2002 (declined).

National Endowment for the Humanities Summer Stipend, Summer, 2003.

Rackham Dissertation Fellowship, The University of Michigan, 1987-1988.

National Institute for Child Health and Development, Graduate Fellowship, The University of Michigan, 1985-1987.

Department Fellowship, The University of Michigan Department of Economics, 1984-1985.

Amherst Memorial Fellowship, Amherst College, 1984-1985.

PROFESSIONAL AFFILIATIONS

Association of Teachers and Researchers in Intellectual Property (ATRIP), 2007-present.

Law and Society Association, 1998-present.

American Bar Association, 1998-present.

Canadian Law and Economics Association, 1998-present.

American Intellectual Property Law Association, 1998-present.

State Bar of California, 1996-present.

HOBBIES

Biking, travel, film, creative writing

CITIZENSHIP

United States; Person of Indian Origin Card Holder

REFERENCES AVAILABLE UPON REQUEST