

Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

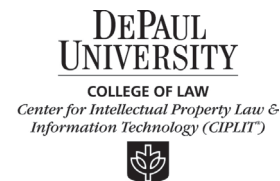
Schedule

WELCOME RECEPTION: Wednesday, August 5, 2015

Potter's Lounge in The Palmer House

124 South Wabash Avenue

7:00 p.m. - 9:30 p.m.



Intellectual Property Scholars Conference

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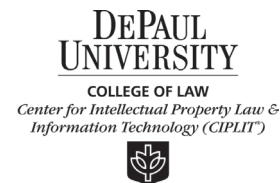
DAY ONE: Thursday, August 6, 2015

1 East Jackson Boulevard

DePaul Conference Center - 8th Floor

Registration and Breakfast - 8th Floor Conference Center 7:30 a.m. - 8:15 a.m.

Welcoming Remarks - Room 8005 8:15 a.m. - 8:30 a.m.



Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Opening Plenary Session - Room 8005 ... 8:30 a.m. - 9:30 a.m.

Graeme Dinwoodie

University of Oxford Faculty of Law

Roberta Kwall

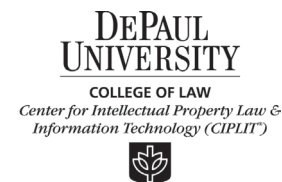
DePaul University College of Law

Mark Lemely

Stanford Law School

Peter Yu

Texas A&M University School of Law



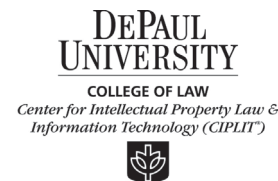
StanfordLawSchool
Stanford Program in
Law, Science & Technology

Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

First Breakout Session9:30 a.m. - 11:00 a.m.

Room 1 Trademark Registration	Room 2 Patent Theory 1	Room 3 Copyright Theory 1	Room 4 International IP 1	Room 5 IP & Society 1
Barton Beebe New York University School of Law Jeanne Fromer New York University School of Law <i>Is the Frontier Closing?: Registration Rates of Frequently Used Words on the PTO's Trademark Register</i>	Clark Asay Brigham Young University Law School <i>Patents as Informational Tools</i>	Matt Sag Loyola University Chicago School of Law <i>The Marginalization of Copyright by the DMCA</i>	Stephanie Fusco DePaul University College of Law <i>The Patentability Requirements in the Venetian Republic Between the 15th and 18th Centuries</i>	Stephanie Bair Stanford Law School <i>Private Ordering, Intellectual Property, and Labor Law: To Promote the Progress of Science and Useful Arts in the Firm</i>
Rebecca Tushnet Georgetown Law <i>Registering Discontent</i>	Keith Robinson Southern Methodist University Dedman School of Law <i>Patent Quality and Claim Clarity</i>	Patrick Goold IIT Chicago-Kent College of Law <i>Unbundling the Tort of Copyright Infringement</i>	Jyh-An Lee The Chinese University of Hong Kong, Faculty of Law <i>A Critical Review of FRAND Development in China</i>	Megan Rae Blakely CREATe, University of Glasgow <i>The 'Tangification' of Intangible Cultural Heritage through Self-reinforcing Intellectual Property Systems and Norms</i>

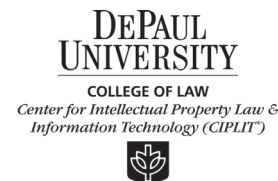


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Room 1 Trademark Registration	Room 2 Patent Theory 1	Room 3 Copyright Theory 1	Room 4 International IP 1	Room 5 IP & Society 1
Melissa Wasserman University of Illinois College of Law <i>What Administrative Law Can Teach the Trademark System</i>	Will Hubbard University of Baltimore School of Law Harry Surden University of Colorado Law School <i>Principles of Problematic Patents</i>	Joseph Fischman Vanderbilt Law School <i>Process and Product in Copyright Law</i>	Joy Xiang IIT Chicago-Kent College of Law <i>Addressing Climate Change: Innovation, Collaboration, and International Aid</i>	Irene Calboli Texas A&M University School of Law <i>Getting Serious About Values: Putting Diversity on the Intellectual Property Map</i>
Megan Carpenter Texas A&M University School of Law <i>Contextual Healing: Morality and Section 2(a) of the Lanham Act</i>	Lucas Osborn Campbell Law School <i>The Case for Weaker Patents</i>	Andrew Gilden Stanford Law School <i>Rethinking Constraint</i>	Cesar Ramirez-Montes Leeds University <i>Protecting "Service" Dress in Europe</i>	Anna Laaman Lewis & Clark Law School <i>Efficient and Ethical Medical Innovation</i>

Break 11:00 a.m. - 11:15 a.m.

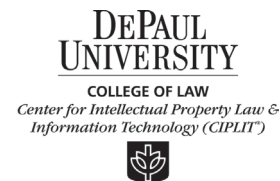


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Second Breakout Session 11:15 a.m. - 12:45 p.m.

Room 1 Patent Theory 2	Room 2 Copyright Doctrine	Room 3 Other IP 1	Room 4 Constitutional and Other Structural Issues 1	Room 5 IP & Society 2
Will Hubbard University of Baltimore School of Law <i>Razing the Patent Bar</i>	Zvi Rosen Hofstra University School of Law <i>The Scope of Common- Law Copyright for Sound Recordings</i>	Sarah Burstein The University of Oklahoma College of Law <i>Reviving Ornamentality</i>	David Welkowitz Whittier Law School <i>Trademark Trial & Appeal Board, Meet the Constitution</i>	Michael Mattioli Indiana University Maurer School of Law (Bloomington) <i>Pooling Data: Cooperative Barriers to Innovation</i>
Dmitry Karshedt The George Washington University Law School <i>Causal Responsibility</i>	Pamela Samuelson University of California, Berkeley, School of Law <i>Functionality and Expression in Computer Programs</i>	Yolanda King Northern Illinois University College of Law <i>The Threat of Descendible Publicity Rights to the Entertainment Industry</i>	Paul Gugliuzza Boston University School of Law <i>Preclusion and the PTO</i>	Sean O'Connor University of Washington School of Law <i>Beyond Exhaustion: Why Sell When You Can Service?</i>

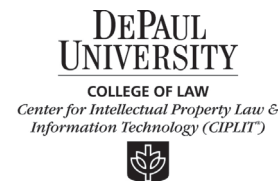


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Room 1 Patent Theory 2	Room 2 Copyright Doctrine	Room 3 Other IP 1	Room 4 Constitutional and Other Structural Issues 1	Room 5 IP & Society 2
Marketa Trimble William S. Boyd School of Law <i>Patent Working Requirements</i>	Quin Tao Capital University of Economics and Business <i>Digital Publishing and the First Sale Doctrine</i>	Mary LaFrance University of Nevada, Las Vegas, William S. Boyd School of Law <i>False Advertising and Food and Beverage Labels</i>	Camilla Hrdy University of Pennsylvania Law School, Center for Technology, Innovation & Competition <i>Rethinking Patent Preemption: The Power to Create is Not the Power to Destroy</i>	Nicholson Price University of New Hampshire School of Law <i>Promotion Healthcare Innovation on the Demand Side</i>
Mark Lemley Stanford Law School <i>Ready for Patenting</i>	Zahr Said University of Washington School of Law <i>A Functionalist Approach to Copyright's Lay Observer Standard</i>	Mira Sundara Rajan Glasgow University Law School & CREATE <i>Of Murals and Morals: Recent Art Controversies and What They Signify for the Visual Artists Rights Act (VARA) of 1990</i>	Robin Feldman University of California, Hastings College of the Law <i>Federalism, First Amendment & Patents: The Fraud Fallacy</i>	Christopher Sprigman New York University School of Law <i>Make, Buy, or Innovate: Sequential Innovation and the Theory of the Firm</i>

Lunch at ASIAN BISTRO (Address) ... 12:45 p.m. – 2:00 p.m.

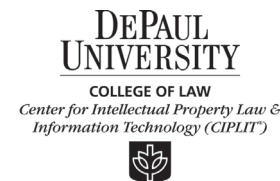


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Third Breakout Session.....2:00 p.m. - 3:30 p.m.

Room 1 Copyright and Society	Room 2 Patent Theory 3	Room 3 IP Theory 1	Room 4 Trademark Theory	Room 5 Overlapping IP
Clemens Appl Vienna University of Economics and Business Philipp Homar Vienna University of Economics and Business <i>Education 4.0 - Recent Challenges to Copyright</i>	Amelia Reinhart University of Utah S. J. Quinne College of Law, <i>Justice Holmes and Patents</i>	Michael Burstein Benjamin N. Cardozo School of Law <i>Indiscrete Property</i>	Ann Bartow University of New Hampshire School of Law <i>The Gender of School Trademarks</i>	Tun-Jen Chiang George Mason University <i>Trolls, Orphans, and Holdup</i>
Kristelia Garcia University of Colorado Law School <i>Competition by Penalty Default</i>	Tim Holbrook Emory University School of Law <i>Method Patent Exceptionalism</i>	Michael Carroll American University Washington College of Law <i>Tailoring Intellectual Property Rights: An Overview</i>	Abraham Bell Bar Ilan University Ted Sichelman University of San Diego <i>Trademarks as Club Goods</i>	Brian Frye University of Kentucky College of Law <i>IP as Charity</i>

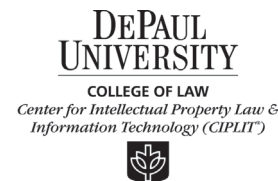


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Room 1 Copyright and Society	Room 2 Patent Theory 3	Room 3 IP Theory 1	Room 4 Trademark Theory	Room 5 Overlapping IP
Lisa Macklem University of Western Ontario <i>Cash For Content: Profiting from Copyright on the Internet</i>	Peter Lee University of California, Davis, School of Law <i>The Supreme Assimilation of Patent Law</i>	J. Janewa Osei-Tutu Florida International University College of Law <i>Intellectual Property as a Human and Natural Right?</i>	Xiyin Tang Yale Law School Information Society Project <i>A Phonaesthetic Theory of Trademark Functionality</i>	Mark Schultz Southern Illinois University School of Law <i>Trade Secrets and Patents: Substitutes or Complements?</i>
Lea Shaver Indiana University Robert H. McKinney School of Law <i>Social Publishing</i>	Saurabh Vishnubhakat Texas A&M University School of Law <i>The Field of Invention</i>	James Stern William and Mary Law School <i>Rivalry</i>	Matthew B. Kugler The University of Chicago Law School <i>Sponsorship Counts For (At Most) Half: An Empirical Investigation of Materiality in Trademark Law</i>	David Schwartz Northwestern University Law School <i>Studying Uncertainty in Intellectual Property Valuation</i>

Break 3:30 p.m. - 3:45 p.m.

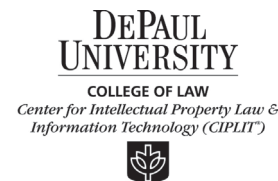


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Fourth Breakout Session..... 3:45 p.m. - 5:15 p.m.

Room 1 Patent Doctrine 1	Room 2 Copyright Enforcement and Public Domain	Room 3 Patent Theory 4	Room 4 Economics and Licensing	Room 5 Copyright Theory 2
Kevin Collins Washington University School of Law <i>Justifying Patent Ineligibility: Regulation- Resistant Technologies</i>	Ben Depoorter University of California, Hastings, College of the Law; Stanford Law Center for Internet & Society <i>Enforcing Against Norms: Trial and Error in Copyright Law</i>	Ari Ezra Waldman New York Law School <i>Intellectual Property and Social Networks</i>	Daniel Ben-Oliel University of Haifa Faculty of Law <i>The Effect of Economic Crises on Patenting Activity Across Countries</i>	Brad Greenberg Columbia Law School <i>Bizarro Copyright</i>
Glynn Lunney Texas A&M School of Law <i>Abstract Ideas 2.0</i>	Paul Heald University of Illinois College of Law <i>The Valuation of Unprotected Works: A Case Study of Public Domain</i>	Stephen Yelderman Notre Dame Law School <i>Coordination-Focused Patent Policy</i>	Ralph Clifford University of Massachusetts School of Law <i>A Jukebox for Patents: Should Patent Licensing be Controlled by Compulsory Licensing?</i>	Kevin Hickey University of California, Berkeley Law, Center for Law & Technology <i>Paternalism in Copyright</i>

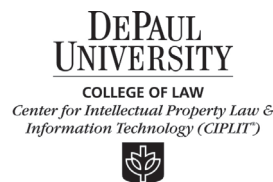


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Room 1 Patent Doctrine 1	Room 2 Copyright Enforcement and Public Domain	Room 3 Patent Theory 4	Room 4 Economics and Licensing	Room 5 Copyright Theory 2
David Taylor Southern Methodist University Dedman School of Law <i>Amending Patent Eligibility</i>	Andrea Wallace CREATE, University of Glasgow and The National Library of Scotland <i>Claiming Surrogate IP Rights: When Cultural Institutions Repossess the Public Domain</i>	Jonathan Lee Queen's University Dept. of Economics <i>Patents, Secrets, and Competitive Pressure</i>	Laura Pedraza-Fariña Northwestern University School of Law <i>Scaffolding Innovation: Constructing Collaboration Across Knowledge Domains</i>	Margot Kaminski Ohio State University College of Law Guy Rub Ohio State University College of Law <i>Zoom-in Zoom-out of Copyright</i>
Katherine Strandburg New York University School of Law <i>Patentable Subject Matter from First Principles: An Institutional Approach</i>	Sean Pager Michigan State University <i>The Romance of the Commons</i>		David Olson Boston College Law School Irina Manta Hofstra University School of Law <i>Hello Barbie: First They Will Monitor You, Then They Will Discriminate Against You. Perfectly.</i>	

Dinner at The Union League Club of Chicago, Crystal Room ... 6:30 p.m.

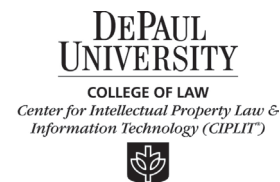


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DAY TWO: Friday, August 7, 2015
1 East Jackson Boulevard
DePaul Conference Center - 8th Floor

Breakfast - 8th Floor Conference Center 8:00 a.m. - 9:00 a.m.

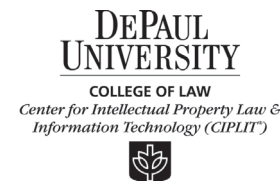


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Fifth Breakout Session 9:00 a.m. - 10:30 a.m.

Room 1 Patent & Related Copyright History	Room 2 Patent Assertion and Litigation 1	Room 3 Economics	Room 4 Other IP 2	Room 5 International IP 2
Shyam Balganesh University of Pennsylvania Law School <i>Reconsidering the Legacy of Arnstein v. Porter</i>	Robin Feldman University of California, Hastings College of the Law Evan Frondorf University of California, Hastings College of the Law, Institute for Innovation Law <i>Patent Demands and Initial Public Offerings</i>	Yaniv Heled Georgia State University College of Law <i>The Biologics Price Competition and Innovation Act (BPCIA): A Failed Experiment, Sham, or an Exercise in Futility?</i>	David Levine Elon University School of Law Sharon Sandeen Hamline University School of Law <i>Why Trade Secrets Matter: Intellectual Property and the Law of Information</i>	Midjohodo Franck Gloglo Laval University <i>A Brief Analysis of the Least Developed Countries' Endless Fight against the WTO's Economic-Based IPRs Policy</i>
Shane Valenzi Carmen D. Caruso Law Firm <i>Confederate Copyright: The Role of Nationalism in Designing a Copyright Regime</i>	Janet Freilich Harvard Law School <i>An Empirical Assessment of Patent Scope Enforcement</i>	Rachel Sachs Harvard Law School <i>Prizing Reimbursement: Prescription Drug Insurance as Innovation Incentive</i>	Christina Mulligan Brooklyn Law School <i>Killing Copyright</i>	Lisa Larrimore Oulette Stanford Law School <i>Global Information Production</i>

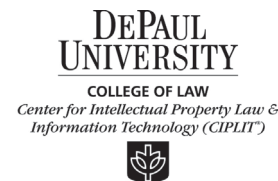


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Room 1 Patent & Related Copyright History	Room 2 Patent Assertion and Litigation 1	Room 3 Economics	Room 4 Other IP 2	Room 5 International IP 2
Peter Yu Texas A&M University School of Law <i>The Copy in Copyright</i>	John Golden University of Texas School of Law <i>The USPTO as Prime Mover: Possibilities and Limitations for a Growing Agency</i>	Michael Carrier Rutgers Law School <i>Eight Reasons Why "No- Authorized-Generic" Promises Constitute Payment</i>	Aaron Perzanowski Case Western Reserve University <i>"Buy Now" and Other Lies</i>	Sarah Rajec William & Mary Marshall- Wythe School of Law <i>WTO Violations and Intellectual Property Rights Suspensions</i>
Bob Brauneis George Washington University Law School Dotan Oliar University of Virginia <i>Authors and Claimants in U.S. Copyright Registrations, 1978 - 2012</i>	Shawn Miller Stanford Law School <i>The Complex Ecology of NPE Litigation</i>	Cynthia Ho Loyola University of Chicago School of Law <i>Faith-Based Pharmaceutical Protection</i>		William Gallagher Golden Gate University School of Law <i>Do 'Groundless Threats' Statutes Curtail IP Over- Enforcement?: Some Evidence from Australia and the U.K.</i>

Break10:30 a.m. – 10:45 a.m.

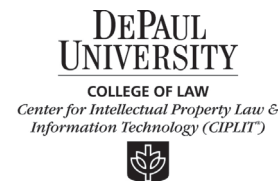


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Sixth Breakout Session 10:45 a.m. - 12:15 p.m.

Room 1 Trademark Doctrine	Room 2 Patent Application and Prosecution	Room 3 IP Theory 2	Room 4 Patent Doctrine 2	Room 5 Copyright Theory 3
Jasmine Abdel-Khalik University of Missouri Kansas City School of Law <i>Disparaging Trademarks: Defined and as Speech</i>	Jeremy Bock University of Memphis School of Law <i>Black-Box Patentees</i>	Andrew Sawicki University of Miami School of Law <i>Law, Informal Rules, and the Problem of Creative Collaboration</i>	Yuko Kimijima Keio University, Faculty of Law <i>Patentable Invention as Property-Patent Transfer Remedy for a True Inventor and an Owner of Right in Invention in Case of Patent Derivation</i>	Oren Bracha University of Texas School of Law Patrick Goold Chicago-Kent College of Law <i>Copyright Accidents or: Should Copyright Law Have a Negligence Standard?</i>
Leah Grinvald Suffolk University Law School <i>Contracting Trademark Fame?</i>	Michael Frakes Northwestern University School of Law <i>Patent Office Cohorts</i>	Betsy Rosenblatt Whittier Law School <i>Belonging as Intellectual Creation</i>	Jonathan Masur University of Chicago Law School <i>The Use and Misuse of Patent Licenses</i>	Christopher Buccafusco Chicago-Kent College of Law; Cardozo Law School <i>A Theory of Copyright Authorship</i>

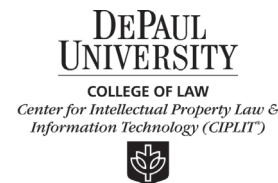


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Room 1 Trademark Doctrine	Room 2 Patent Application and Prosecution	Room 3 IP Theory 2	Room 4 Patent Doctrine 2	Room 5 Copyright Theory 3
Jake Linford Florida State University College of Law <i>Semantic Shift and Trademark Expiration</i>	Jorge Contreras University of Utah, S.J. Quinney College of Law <i>Silly Patents, Common Knowledge and the Elusive Prior Art of Everyday Life</i>	Jeremy Sheff St. John's University <i>Inclusive and Exclusive Definitions in Intellectual Property Doctrine</i>	Lee Petherbridge Loyola Law School Polk Wagner University of Pennsylvania <i>Teva and the Process of Claim Construction</i>	Dan Burk University of California, Irvine, School of Law <i>Copyright and the Cybernetic Circuit</i>
Devin Desai Georgia Institute of Technology, Scheller College of Business <i>The Chicago School Trap in Trademark: The Co-Evolution of Corporate, Antitrust, and Trademark Law & The Humanities</i>	Ryan Holte Southern Illinois University School of Law <i>Standardization of Idea Submission Policies to Reduce Patent Litigation and Increase Commercialization</i>	Eva Subotnik St. John's University School of Law <i>The Stewardship of Intellectual Property</i>	Jacob Sherkow New York Law School <i>Patent(ed) Medicine</i>	Thomas Byron Boston University <i>A la recherche du sens perdu: Deconstructing the Creativity Standard in Copyright</i>

Lunch at XXXX (Address) ... 12:15 p.m. – 1:30 p.m.

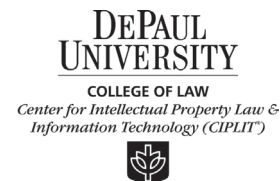


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Seventh Breakout Session 1:30 p.m. - 3:00 p.m.

Room 1 Copyright Fair Use	Room 2 Patent Assertion and Litigation 2	Room 3 Patent Doctrine 3	Room 4 Constitutional and Other Structural Issues 2
Abraham Bell Bar Ilan University <i>The Dual-Grant Theory of Fair Use</i>	Greg Reilly California Western School of Law <i>Claim Construction and Patent "Trolls"</i>	Christopher Funk Kellogg, Huber, Hansen, Todd, Evans & Figel <i>The Integrated Patent Instrument and Prosecution History As Extrinsic Evidence</i>	Ned Snow University of South Carolina School of Law <i>Discrimination in the Copyright Clause</i>
Niva Elkin-Koren Haifa Center for Law & Technology Dr. Orit Fischman-Afori The Haim Striks School of Law, College of Management Academic Studies <i>Rulifying Fair Use</i>	Michael Risch Villanova University School of Law <i>Do Patent Challenge Rights Lead to Placeholder Lawsuits?</i>	Erik Hovenkamp Northwestern University School of Law <i>Anticompetitive Patent Injunctions</i>	Roger Ford University of New Hampshire School of Law <i>The Uneasy Case for State Anti-Patent Laws</i>

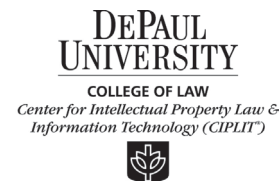


Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Room 1 Copyright Fair Use	Room 2 Patent Assertion and Litigation 2	Room 3 Patent Doctrine 3	Room 4 Constitutional and Other Structural Issues 2
Edward Lee IIT Chicago-Kent College of Law <i>Music Fair Use</i>	Andrew Torrance University of Kansas School of Law <i>Are Litigated Patents More Important?</i>	Brenda Simon Thomas Jefferson School of Law <i>Patenting Data- Generating Inventions</i>	Peter Menell University of California, Berkeley, School of Law Ryan Vacca The University of Akron School of Law <i>Percolating Intellectual Property Law through Circuit Stewardship: Empirical and Jurisprudential Analysis of En Banc Review</i>

Break 3:00 p.m. - 3:15 p.m.



Intellectual Property Scholars Conference

Chicago, Illinois • August 6 - 7, 2015

Closing Plenary Session - Room 8005 ... 3:15 p.m. - 4:15 p.m.

Brett Frischmann

Benjamin N. Cardozo School of Law

Lisa Larrimore Ouellette

Stanford Law School

Pamela Samuelson

University of California, Berkeley, School of Law

Joshua Sarnoff

DePaul University College of Law

Closing Remarks - Room 8005 4:15 p.m. - 4:30 p.m.

Farewell Reception - 8th Floor Conference Center 4:30 p.m. - 6:00 p.m.

