

George Washington University Professional Record

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Present Position:

Theodore and James Pedas Family Professor of Intellectual Property and Technology Law, Co-Director of the Intellectual Property Program and Co-Director of the Dean Dinwoodey Center for Intellectual Property Studies, George Washington University Law School.

Date and Place of Birth:

February 22, 1937, Detroit, Michigan.

Citizen of: U.S.A.

Education

High School: Central High School, Detroit, Michigan, June 1954.

Baccalaureate: A.B., University of Michigan, Ann Arbor, Michigan, June, 1958.

Graduate: M.S. (Physics), University of Michigan, Ann Arbor, Michigan, August, 1959.

Law Degree: University of Michigan, Ann Arbor, Michigan, June, 1962.

Other Faculty Appointments

Professor of Law, Wayne State University Law School, Detroit MI, 1973-1999, Professor Emeritus 1999--.

Visiting Professor of Law, University of Michigan Law School, Ann Arbor, Michigan, Winter 1982.

Visiting Professor of Law and Acting Director of the Intellectual Property program,
George Washington University Law School, 1998-99.

Professional Experience

Assistant Editor Michigan Law Review (1960-1962).

Research Assistant to Professor Samuel D. Estep (1960-1962).

Law Clerk, Chief Judge Theodore Levin, Federal District Court, Detroit, Michigan
(1962-1963).

Associate, Honigman, Miller, Schwartz & Cohn, Detroit, Michigan (1963-64).

Patent Attorney, Burroughs Corp., Washington, D.C. (1964-1965).

Associate, Barnard, McGlynn & Reising, Birmingham, Michigan (1965-1968), Partner
(1968-1973) in charge of patent, patent-antitrust, and related litigation.

Professional Society Membership

American Bar Association,
American Intellectual Property Law Association,
Michigan Bar Association,
International Association for the Advancement of Teaching and Research in Intellectual
Property.

Service at Wayne State University

Acting Dean, Law School (1974-75).

President, University Faculty Senate (1976-1979).

Chair, Personnel Committee, Law School (1987-88).

Professional Consultation

Testified as an expert on patent law and practice either at trial or by way of deposition in
more than 190 patent infringement or patent antitrust cases.

Journal/Editorial Activity

Book Review Editor, The Antitrust Bulletin, 1980-1986.

Publications

Books and articles in books

Patent Law Perspectives, 2d edition, Matthew Bender 1982-2014 (nine volumes)(available on LEXIS), co-author (with Donald Dunner and James Gambrell) from 1977-1988, sole author from 1988-2013.

Cases and Materials on Patent Law, 5th edition (with Randall Rader and John Thomas), West 2019.

Patent Law in a Nutshell 2d edition (Nutshell Series)(with Randall Rader and Gordon Klancnik), Thomson Reuters 2013.

Patents and Technological Progress in a Globalized World, Liber Amicorum Joseph Straus,(with Wolrad Prinz zu Waldeck und Pyrmont, Robert Brauneis, Josef Drexl and Ralph Nack editors), Springer 2008.

Global Issues in Patent Law (with Shubha Ghosh, Amy Landers & Toshiko Takenaka), West 2011.

Credible Utility in Patent Law in Chiteki zaisanhô no atarashii nagare : Katayama Eiji sensei kanreki kinen ronbunshu [New Trends in Intellectual Property Law: Celebratory Volume in Honor of Prof. Eiji Katayama] 633-54 (Seirin Shoin 2010).

A comment on 'Human rights as a constraint on intellectual property rights: the case of patent and plant variety protection rights, genetic resources and traditional knowledge' in Intellectual Property and Human Rights: A Paradox 300, Willem Grosheide, ed., Edward Elgar (2010).

Journal Articles

Refereed Papers:

An Antitrust Decision: *Lear v. Adkins*, 58 A.B.A.J. 45 (1972).

Territorial Restraints in International Technology Agreements after *Topco*, 17 Antitrust Bull. 763 (1972) (with Ernie Brooks), reprinted at 5 Pat. L. Rev. 457 (1973).

The Supreme Court, Market Structure, and Innovation: Chakrabarty, Rohm and Haas, 27 Antitrust Bull. 457 (1982).

Invited Articles:

Secrecy and Patenting: Some Proposals for Resolving the Conflict, 1 A.P.L.A. Quarterly J. 296 (1973), reprinted at 5 Pat. L. Rev. 57 (1973).

Relevant Market Paradox - Attempted and Completed Patent Fraud Monopolization, 38 Ohio State L.J. 289 (1977), reprinted at 10 Intellectual Property L. Rev. 115 and 8 J. of Reprints for Antitrust L. and Econ. 709.

Use of Industrial Property as a Clandestine Cartel, 30 (Supplement) Am. J. Comp. L. 1701 (1982).

Forward, Symposium: Perspectives on the General Motors-Toyota Joint Venture, 31 Wayne L. Rev. 1163 (1985).

The New World of Patents Created by the Court of Appeals for the Federal Circuit, 20 U. of Mich. J. L. Ref. 979 (1988).

Patents and the Seventh Amendment, Molengrafica, Eenvormig en vergelijkend privaatrecht 357 (1993).

Damages and other financial remedies for Patent Infringement, AIPPI Annuaire 1995/IX, 274 (1995).

Prospects and Limits of the Patent Provision in the TRIPS Agreement: The Case of India, 29 Vand. J. Transnat'l L. 507 (1996)(with Sonia Baldia).

The Effect of the Seventh Amendment on Substantive American Patent Law, Molengrafica, Europees Privaatrecht 173 (1996).

The Exhaustion Doctrine in American Patent Law, Molengrafica, Europees Privaatrecht 247 (1997).

Patent Claiming in the United States: Central, Peripheral, or Mongrel?, *IP Theory*: Vol. 1: Issue 2, Article 2 (2010).

The America Invents Act, its unique first-to-file system and its transfer of power from juries to the United States Patent and Trademark Office, Queen Mary Journal of Intellectual Property, Vol. 2 No. 1 (2012).

A Safe Harbor for Pay for Delay Pharmaceutical Settlements in the United States, 67. Jahrgang GRURInt 1112 (December 2018).

NonRefereed Papers:

State Control of Radiation Hazards: An Intergovernmental Relations Problem, 60 Mich. L. Rev. 41 (1961) (with Samuel Estep).

Trade Secrets and Federal Pre-exemption - The Aftermath of Sears and Compco, 49 J. Pat. Off. Soc'y 713 (1967).

Inventions and the Law of Trade Secrets after *Lear v. Adkins*, 16 Wayne L. Rev. 77 (1969) (with Robert Jaress), reprinted at 3 Pat. L. Rev. 231 (1971).

Patent-Antitrust Law: A New Theory, 17 Wayne L. Rev. 1 (1971) (with Robert Jaress), reprinted at 3 Pat. L. Rev. 231 (1971).

The Integrity of the Administrative Process, Sherman Section 2 and the Per Se Rules - Lessons of Fraud on the Patent Office, 19 Wayne L. Rev. 1 (1972) (with Ernie Brooks), reprinted at 55 J. Pat. Off. Soc'y 255 (1973) and 5 Pat. L. Rev. 413 (1973).

Patent-Antitrust: Patent Dynamics and Field of Use Licensing, 50 N.Y.U. L. Rev. 273 (1975) (with Fritz Juenger), reprinted at 7 Pat. L. Rev. 495, and 8 J. of Reprints for Antitrust L. and Econ. 429.

Property Rights Theory and Patent-Antitrust: The Role of Compulsory Licensing, 52 N.Y.U. L. Rev. 77 (1977), reprinted at 10 Intellectual Property L. Rev. 77 and 8 J. of Reprints for Antitrust L. and Econ. 287.

The Doctrine of Equivalents in Patent Law: Questions Pennwalt did not Answer, 137 U. of Penn. L. Rev. 673 (1989) (with Gary Francione).

Is the Use of the Doctrine of Equivalents to Fix Mistakes a Mistake?, 27 N. Ky. L. Rev. 1021 (2000).

The Doctrine of Equivalents in Various Patent Regimes: Does Anybody Have It Right, 11 Yale J.L. & Tech. 261-308 (2009)(with Sir Nicholas Pumfrey et al.).

Forward to Festschrift for Chief Judge Rader, 7 Wash. J. L. Tech. & Arts 319 (2012).

Book Reviews

Academic Journals

Book Review, 25 Antitrust Bull. 891 (1980).

Book Review, 26 Antitrust Bull. 447 (1981).

Book Review, 27 Antitrust Bull. 275 (1982).

Book Review, 28 Antitrust Bull. 491 (1983).

Book Review, Queen Mary Journal of Intellectual Property, Vol 6, No. 3, 405 (2015).