

# Schedule

Welcome Reception: Wednesday, August 7, 2019

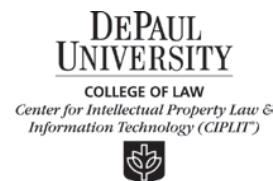
The Living Room at The Standard Club

320 South Plymouth Court

*7:00 pm – 9:00 pm*



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**DAY ONE: Thursday, August 8, 2019**  
**1 East Jackson Boulevard**  
**DePaul Center, 8<sup>th</sup> Floor Conference Center**

Registration and Breakfast – DePaul Center, 8th Floor Conference Center *7:30 a.m. – 8:25 a.m.*

Opening Remarks – Room 8005 *8:25 a.m. – 8:40 a.m.*

**Dean Jennifer Rosato Perea**  
DePaul University College of Law

**Roberta Rosenthal Kwall**  
DePaul University College of Law



Opening Plenary Session – Room 8005

8:40 a.m. – 9:55 a.m.

Mark McKenna (w/ Jessica Silbey), *Investigating Design: A Qualitative Study of Professional Designers*  
Notre Dame Law School

Michael Meurer (w/ Jim Bessen), *Mind the Gap: Can We Reverse the Decline in the Pace of Technology Diffusion?*  
Boston University School of Law

Melissa Wasserman (w/ Jonathan Slack), *Specialization in Specialized Courts*  
The University of Texas at Austin School of Law



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First Breakout Session

10:00 a.m. - 11:30 a.m.

Room 8005 Intermediaries	Room 8002 Comparative IP	Room 8009 Patent Empirical and Experimental Analysis 1	Room 8010 Copyright Doctrine	Room 8014 Patents and Remedies
<p>Annemarie Bridy</p> <p>University of Idaho College of Law</p> <p><i>EU Copyright Reform: Grappling with the Google Effect</i></p>	<p>Jyh-An Lee</p> <p>The Chinese University of Hong Kong</p> <p><i>IP Trade War</i></p>	<p>Lisa Ouellette (w/ Daniel Ho)</p> <p>Stanford Law School</p> <p><i>An Experimental Test of Patent Peer Review</i></p>	<p>Juan Contreras</p> <p>Javeriana University</p> <p>Carlos Uribe</p> <p>Javeriana University</p> <p><i>Digital Copyright Exhaustion</i></p>	<p>Bernard Chao (w/ Roderick D’Orisio)</p> <p>University of Denver Sturm College of Law</p> <p><i>Do Patent Juries Punish?</i></p>
<p>Andrew Gilden</p> <p>Willamette University College of Law</p> <p><i>Legacy Stewards</i></p>	<p>JohnJohn Uket</p> <p>Federal Ministry of Science and Technology, Abuja</p> <p><i>The Nigeria Ward Based Technology Program: A catalyst for indigenous inventions and innovations as tool for rural development</i></p>	<p>Jason Rantanen (w/ Mike Teodorescu)</p> <p>University of Iowa College of Law</p> <p><i>How Does Examination Change Patent Claims?</i></p>	<p>Dave Fagundes</p> <p>University of Houston Law Center</p> <p>Aaron Perzanowski</p> <p>Case Western Reserve University School of Law</p> <p><i>Abandoning Copyright</i></p>	<p>Thomas Cotter (w/ Jorge Contreras)</p> <p>University of Minnesota Law School</p> <p><i>Extraterritorial Restraint</i></p>



Room 8005 Intermediaries	Room 8002 Comparative IP	Room 8009 Patent Empirical and Experimental Analysis 1	Room 8010 Copyright Doctrine	Room 8014 Patents and Remedies
<p>Yifat Nahmias (w/ Niva Elkin-Koren and Maayan Perel)</p> <p>The Center for Cyber Law, and Policy at the University of Haifa</p> <p><i>Is It Time to Abolish Safe Harbor? When Rhetoric Clouds Policy Goals</i></p>	<p>Runhua Wang</p> <p>IIT Chicago-Kent College of Law</p> <p><i>New Private Law? Intellectual Property “Common-Law Precedents” in China</i></p>	<p>Stefania Fusco (w/ Francesco Lissoni, Catalina Martínez and Valerio Sterzi)</p> <p>Notre Dame Law School</p> <p><i>Monetization Strategies of University Patents and Their Impact on Technology Diffusion</i></p>	<p>Deborah R. Gerhardt</p> <p>University of North Carolina School of Law</p> <p><i>Copyright Publication on the Internet</i></p>	<p>Christoph Rademacher (w/ Alice Shi)</p> <p>Waseda University School of Law</p> <p><i>“SEP Governance” in East Asia: Reviewing the Effect of Dispute Resolution Guidelines in Japan and China</i></p>
<p>Kylie Pappalardo</p> <p>Queensland University of Technology</p> <p><i>A New Framework for Intermediary Liability: Copyright, Causation and Control on the Internet</i></p>	<p>Joy Xiang</p> <p>Peking University School of Transnational Law</p> <p><i>Domestic Innovation of Cleantech By Developing Countries</i></p>		<p>Zahr Said</p> <p>University of Washington School of Law</p> <p><i>Close and Distant Reading in Copyright’s Infringement Analysis</i></p>	<p>Manveen Singh</p> <p>O.P. Jindal Global University, India</p> <p><i>Licensing of Standard Essential Patents (SEPs) on Fair, Reasonable and Non-Discriminatory (FRAND) Terms</i></p>

Break

11:30 a.m. - 11:45 a.m.



Second Breakout Session

11:45 a.m. – 12:55 p.m.

Room 8005 Arts and Design, Physical and Design	Room 8002 First Amendment	Room 8009 Patent Analyses, Litigation and Licensing Behavior	Room 8010 Copyright Policy and the Availability of Works	Room 8014 Patents and Institutions 1
<p>Lucas Osborn</p> <p>Campbell University Norman Adrian Wiggins School of Law</p> <p><i>A Teleological Approach to Design Patents for Digital Images</i></p>	<p>Viva Moffat</p> <p>University of Denver Sturm College of Law</p> <p><i>When Copyright is a Civil Right: Prison Art and Prisoner Artists</i></p>	<p>William Gallagher (w/ Samuel F. Ernst)</p> <p>Golden Gate University School of Law</p> <p><i>The Disputing Process in Patent Enforcement: Responses and Resistance in the Shadow of IP Law</i></p>	<p>Lisa Macklem</p> <p>University of Western Ontario</p> <p><i>Baffled by Technology: Have Courts Lost Sight of Copyright's Balancing Principles?</i></p>	<p>Tejas Narechania</p> <p>UC Berkeley School of Law</p> <p><i>Defective Patent Deference</i></p>
<p>Jennifer Kreder</p> <p>Northern Kentucky University Chase College of Law</p> <p><i>The Constitutionality of the HEAR Act: Empowering American Courts to Return Holocaust-Era Artwork and Honor History</i></p>	<p>Jennifer Rothman (w/ Robert Post)</p> <p>Loyola Marymount University Loyola Law School</p> <p><i>The First Amendment and the Right(s) of Publicity</i></p>	<p>David Olson</p> <p>Boston College Law School</p> <p><i>Price Discrimination and IP Exhaustion</i></p>	<p>Blake E. Reid</p> <p>University of Colorado Law School</p> <p><i>Copyright's Role in Disability Law</i></p>	<p>Michael Risch (w/ David Ratigan)</p> <p>Villanova University Charles Widger College of Law</p> <p><i>Signal v. Appropriation: Why Do Investors Fund Patenting Firms?</i></p>



Room 8005 Arts and Design, Physical and Digital	Room 8002 First Amendment	Room 8009 Patent Analyses, Litigation and Licensing Behavior	Room 8010 Copyright Policy and the Availability of Works	Room 8014 Patents and Institutions 1
<p>Eva Subotnik</p> <p>St. John's University School of Law</p> <p><i>The Fine Art of Rummaging: Successors and the Life Cycle of Copyright</i></p>	<p>Felix Wu</p> <p>Benjamin N. Cardozo School of Law</p> <p><i>Contents, Viewpoints, and Intellectual Property</i></p>		<p>Nina Srejavic</p> <p>Fenwick &amp; West LLP</p> <p><i>Personality as Condition for Copyright Protection</i></p>	<p>Greg Reilly</p> <p>IIT Chicago-Kent College of Law</p> <p><i>Myths of Patent Examination and Invalidation</i></p>

**LUNCH:** *DePaul Center Cafeteria and North Cafe, 11th floor*

*12:55 p.m. – 2:15 p.m.*



**Third Breakout Session**

**2:15 p.m. - 3:45 p.m.**

Room 8005 IP Theory	Room 8002 The Lanham Act and Society	Room 8009 Patent Theory 1	Room 8010 Copyright, Private Ordering, and Licensing	Room 8014 IP, AI, and Society
<p>Brett M. Frischmann</p> <p>Villanova University Charles Widger School of Law</p> <p><i>Epistemology of What We Want: Progress (in Science and the Useful Arts), Demand, Preferences, and Values (in IP)</i></p>	<p>Sean Pager</p> <p>Michigan State University College of Law</p> <p>Carla Reyes</p> <p>Michigan State University College of Law</p> <p><i>Trademarking Blockchain Enterprises</i></p>	<p>Andrew Chin</p> <p>University of North Carolina School of Law</p> <p><i>Software Patenting and Section 101's Gatekeeping Function</i></p>	<p>Michael Burstein</p> <p>Benjamin N. Cardozo School of Law</p> <p><i>Why Spider-Man Can't Go to Disney World: Private Ordering, Copyright, and the Modern Entertainment Franchise</i></p>	<p>Shun-Ling Chen</p> <p>Institutum Iurisprudentiae, Academia Sinica</p> <p><i>Can Nonhuman Author? – Rethinking Copyright Through Algorithmic Authorship</i></p>
<p>Amy Landers</p> <p>Drexel University Kline School of Law</p> <p><i>Hyperreal: IP Law and the Visual</i></p>	<p>Dr. Cesar Ramirez-Montes</p> <p>University of Leeds School of Law</p> <p><i>Brands, Expressive Speech and Social Justice</i></p>	<p>Tabrez Ebrahim</p> <p>California Western School of Law</p> <p><i>Is There "Patent" in Islam?</i></p>	<p>Guy Rub</p> <p>The Ohio State University Moritz College of Law</p> <p><i>The Failure of the Nexus Requirement as a Legal Epicycle</i></p>	<p>D.R. Jones</p> <p>University of Memphis School of Law</p> <p><i>Edicts of Government: Copyright in State Legal Materials</i></p>





Room 8005 IP Theory	Room 8002 The Lanham Act and Society	Room 8009 Patent Theory 1	Room 8010 Copyright, Private Ordering, and Licensing	Room 8014 IP, AI, and Society
<p>Irina D. Manta</p> <p>Hofstra University Maurice A. Deane School of Law</p> <p><i>Keeping IP Real</i></p>	<p>Alexandra J. Roberts</p> <p>University of New Hampshire School of Law</p> <p><i>False Influencing</i></p>	<p>Jonathan Masur</p> <p>University of Chicago Law School</p> <p><i>Slicing Patent Rights</i></p>	<p>Jacob Victor</p> <p>New York University School of Law</p> <p><i>Reconceptualizing Compulsory Copyright Licenses</i></p>	<p>Andrew Moshirnia</p> <p>Monash University Law School</p> <p><i>Image Misuse and Memetic Propaganda</i></p>
<p>Jessica Silbey</p> <p>Northeastern University School of Law</p> <p><i>Against Progress: IP and Fundamental Values in the Internet Age, Chapter 4, "Harms"</i></p>	<p>David Simon</p> <p>University of Kansas School of Law; Hanken School of Economics</p> <p><i>Confusion In Use: Trademark and Public Safety</i></p>			<p>Charlotte Tschider</p> <p>University of Nebraska College of Law</p> <p><i>Patenting Artificial Intelligence</i></p>

Break

3:45 p.m. - 4:00 p.m.



Fourth Breakout Session

4:00 p.m. - 5:10 p.m.

Room 8005 Cross Cutting Issues	Room 8002 Applying the Lanham Act	Room 8009 Patents and Institutions 2	Room 8014 Patent Adjudication and Licensing
<p>Christopher Buccafusco</p> <p>Benjamin N. Cardozo School of Law</p> <p><i>Law, Innovation, and Disability</i></p>	<p>Margaret Chon</p> <p>Seattle University School of Law</p> <p><i>Kondo-ing Steele v. Bulova: The Lanham Act's Extraterritorial Reach</i></p>	<p>Laura G. Pedraza-Farina</p> <p>Northwestern Pritzker School of Law</p> <p><i>The Case for Tailoring Ex-Post Patent Strength to Innovation Diffusion</i></p>	<p>Jonas Anderson</p> <p>American University Washington College of Law</p> <p><i>A Court Like Any Other?: Evidence from the Federal Circuit's Non-Patent Docket</i></p>
<p>John Golden</p> <p>The University of Texas at Austin School of Law</p> <p>Pamela Samuelson</p> <p>UC Berkeley School of Law</p> <p><i>Divergent Approaches to Disgorgement in Intellectual Property Cases</i></p>	<p>Courtney Cox (w/ Peter Brody)</p> <p>Fordham University School of Law</p> <p><i>Scientific Realism &amp; The Lanham Act</i></p>	<p>Joshua Sarnoff</p> <p>DePaul University College of Law</p> <p><i>R&amp;D, IP, and Data Regarding GHGs, CDR and SRM</i></p>	<p>Brenda M. Simon</p> <p>UC San Diego Rady School of Management California Western School of Law</p> <p><i>Challenges to Tacit Knowledge Transfer in Academic-Industry Partnerships</i></p>



Room 8005 Cross Cutting Issues	Room 8002 Applying the Lanham Act	Room 8009 Patents and Institutions 2	Room 8014 Patent Adjudication and Licensing
Andrew Michaels	Chia-Ling Lee	Saurabh Vishnubhakat	Jennifer E. Sturiale
University of Houston Law Center	Southern Taiwan University of Science and Technology	Texas A&M University School of Law	Harvard Law School
<i>Artificial Intelligence, Legal Change, and Separation of Powers</i>	<i>Preclusive Effect of TTAB Decisions in Subsequent Trademark Litigation After B&amp;B Hardware, Inc. v. Hargis Industries, Inc.</i>	<i>Inconsistent Intellectual Property Judgments</i>	<i>The Federal Circuit's "Choice-Of-Law" Policy As Substantive Patent Lawmaking</i>

**RECEPTION AND DINNER:** The Standard Club (320 South Plymouth Court)

*Reception:* Council Room 6:15 p.m. – 7:00 p.m.  
*Dinner:* Grand Ballroom 7:00 p.m.



**DAY TWO: Friday, August 9, 2019**  
**1 East Jackson Boulevard**  
**DePaul Center, 8<sup>th</sup> Floor Conference Center**

Breakfast – DePaul Center, 8<sup>th</sup> Floor Conference Center

*8:15 a.m. – 9:00 a.m.*



Fifth Breakout Session

9:00 a.m. – 10:30 a.m.

Room 8005 Innovation Policy	Room 8002 AI and Software	Room 8009 Patent Theory 2	Room 8010 Fair Use	Room 8014 IP in Data and Trade Secrecy
<p>Peter Lee</p> <p>UC Davis School of Law</p> <p><i>Concentration Drivers in the Commercialization of Intellectual Property</i></p>	<p>Dan Burk</p> <p>UC Irvine School of Law</p> <p><i>Copyright and the Algorithmic Assemblage</i></p>	<p>Tun-Jen Chiang</p> <p>George Mason University Antonin Scalia Law School</p> <p><i>Questioning Patent Alienability</i></p>	<p>Mehtab Khan</p> <p>UC Berkeley School of Law</p> <p><i>Fair Use and Educational Uses: Commercial Endeavors for Public Interest</i></p>	<p>Charles Duan</p> <p>R Street Institute</p> <p><i>Intellectual Property and Electronic Health Records: A Review of the 2019 Interoperability Rulemaking</i></p>
<p>Sonia Katyal</p> <p>UC Berkeley School of Law</p> <p>Erik Stallman</p> <p>UC Berkeley School of Law</p> <p><i>Contracting for Transparency: Artificial Intelligence and the Need for a Contractual Commons</i></p>	<p>Carys Craig (w/ Ian Kerr)</p> <p>York University Osgoode Hall Law School</p> <p><i>The Death of the AI Author</i></p>	<p>Paul Gugliuzza</p> <p>Boston University School of Law</p> <p><i>Law, Fact, and Patent Validity</i></p>	<p>Matthew Sag</p> <p>Loyola University Chicago School of Law</p> <p><i>The Missing Theoretical Foundation of Transformative Use</i></p>	<p>Kathrine Gutierrez</p> <p><i>Using Voluntary EU-Compatible Certification and Limited IP Protection to Improve the Financial Index Market</i></p>



Room 8005 Innovation Policy	Room 8002 AI and Software	Room 8009 Patent Theory 2	Room 8010 Fair Use	Room 8014 IP in Data and Trade Secrecy
<p>Jacob S. Sherkow</p> <p>New York Law School</p> <p><i>Trade Secrecy for Scientific Communities: The Case of AIRR</i></p>	<p>James Grimmelmann</p> <p>Cornell Law School; Cornell Tech</p> <p><i>The Jurisprudence of Software</i></p>	<p>Dmitry Karshstedt</p> <p>The George Washington University Law School</p> <p><i>Obviousness: Before and After</i></p>	<p>Cathay Y. N. Smith</p> <p>University of Montana Blewett School of Law</p> <p><i>Political Fair Use</i></p>	<p>Cynthia Ho</p> <p>Loyola University Chicago School of Law</p> <p><i>A New IP Balancing Act: Clinical Trial Transparency versus Trade Secrecy and Beyond</i></p>
<p>Neel Sukhatme (w/ Thomas Krause)</p> <p>Georgetown University Law Center</p> <p><i>Do Women Mayors Enhance Patent Innovation?</i></p>	<p>Gi-Kuen Jacob Li</p> <p>National Tsinghua University, Institute of Law for Science and Technology</p> <p><i>Fair Use in Data Mining and Machine Learning: A Comparative Study between Mainland China and Taiwan</i></p>	<p>Oskar Liivak</p> <p>Cornell Law School</p> <p><i>Negligent Innovation</i></p>	<p>Christopher Yoo</p> <p>University of Pennsylvania Law School</p> <p><i>The Transformation of Transformative Use: The Infiltration of Functionality into Copyright</i></p>	<p>Camilla A. Hrdy</p> <p>University of Akron School of Law</p> <p><i>Expired Secrets</i></p>

Break

10:30 a.m. - 10:45 a.m.



Sixth Breakout Session

10:45 a.m. – 12:15 p.m.

Room 8005 Music and Digital Society	Room 8002 Trademark Doctrine	Room 8009 Patents and Health	Room 8010 International and Comparative Copyright Law
<p>Michael Carroll</p> <p>American University Washington College of Law</p> <p><i>Regulatory Copyright in the Music Industry</i></p>	<p>Jorge Contreras</p> <p>University of Utah SJ Quinney College of Law</p> <p><i>Sui-Genericide</i></p>	<p>Mark Lemley (w/ Lisa Ouellette and Rachel Sachs)</p> <p>Stanford Law School</p> <p><i>The Medicare Innovation Subsidy</i></p>	<p>Clark Asay</p> <p>Brigham Young University J. Reuben Clark Law School</p> <p><i>Transatlantic Copyright Convergence</i></p>
<p>Edward Lee</p> <p>IIT Chicago-Kent College of Law</p> <p>Andrew Moshirnia</p> <p>Monash University Law School</p> <p><i>Infringement v. Fair Use in Musical Work Cases: An Experiment</i></p>	<p>Michael Grynberg</p> <p>DePaul University College of Law</p> <p><i>Living with the Merchandising Right</i></p>	<p>Ana Santos Rutschman</p> <p>Saint Louis University School of Law</p> <p><i>The IP of Vaccines</i></p>	<p>Dr. Cheryl Foong</p> <p>Curtin University Curtin Law School</p> <p><i>The Making Available Right: A Framework for Analysis</i></p>



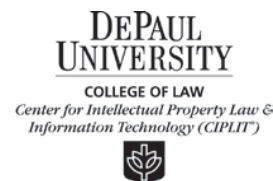
Room 8005 Digital Society	Room 8002 Trademark Doctrine	Room 8009 Patents and Health	Room 8010 International and Comparative Copyright Law
Christina Mulligan (w/ James Grimmelman)  Brooklyn Law School  <i>Data is Property</i>	Laura A. Heymann  William & Mary Law School  <i>Trademark Law and the Strategic Consumer</i>	Lucy Xiaolu Wang  Cornell University Department of Economics  <i>Global Drug Diffusion and Innovation with a Patent Pool: The Case of HIV Drug Cocktails</i>	Natasha Mangal  EIPIN Innovation Society/CEIPI/QMUL  <i>Opportunities of EU-Level Administration of Private Copying Levies</i>
Anthony Volini  DePaul University College of Law  <i>A Perspective on Technology Education for Law Students</i>	Alexandra Mogyoros  University of Oxford, St. Peter's College  <i>Pseudo-Certification Marks</i>	Q. Claire Xue (w/ Lisa Ouellete)  Stanford Law School  <i>Innovation Policy and the Market for Vaccines</i>	Dr. Poorna Mysoor  University of Oxford, Faculty of Law  <i>Searching for Certainty in Implying a Copyright Licence</i>

**LUNCH:** *DePaul Center Cafeteria and North Cafe, 11th floor*

*12:15 p.m. – 1:30 p.m.*



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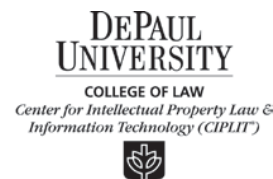
Seventh Breakout Session

1:30 p.m. – 2:40 p.m.

Room 8005 International IP	Room 8002 Patent Theory and History	Room 8009 Patent Empirical and Experimental Analyses 2	Room 8014 Copyright History
<p>Saleh Al-Sharieh</p> <p>United Arab Emirates University College of Law</p> <p><i>Rethinking the Hierarchy of Rights in International Copyright Law</i></p>	<p>Adam Mossoff</p> <p>George Mason University Antonin Scalia Law School</p> <p><i>Injunctive Remedies in Patent Law</i></p>	<p>Michael Frakes (w/ Melissa Wasserman)</p> <p>Duke University School of Law</p> <p><i>Irrational Ignorance at the Patent Office</i></p>	<p>Bruce Boyden</p> <p>Marquette University Law School</p> <p><i>Substantial Similarity, from Equity to Legal Process</i></p>
<p>Sarah R. Wasserman Rajec</p> <p>William &amp; Mary Law School</p> <p><i>The Harmonization Myth in International Intellectual Property Law</i></p>	<p>Rachel Sachs</p> <p>Washington University School of Law</p> <p><i>A New Public Interest Model for Patent Law</i></p>	<p>Jon McClanahan Lee</p> <p>University of Minnesota Law School</p> <p><i>Lawyer Discipline Before the USPTO: Too Little, Too Late</i></p>	<p>Rebecca Curtin</p> <p>Suffolk University Law School</p> <p><i>Locke's (Own) Literary Property</i></p>



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Room 8005 International IP	Room 8002 Patent Theory and History	Room 8009 Patent Empirical and Experimental Analyses 2	Room 8014 Copyright History
<p>Peter K. Yu</p> <p>Texas A&amp;M University School of Law</p> <p><i>TRIPS and Its Contents</i></p>	<p>Matthew Sipe</p> <p>George Washington University Law School</p> <p><i>Patent Law's Latent Schism</i></p>	<p>Ryan Whalen</p> <p>University of Hong Kong Faculty of Law</p> <p><i>The Patent Similarity Dataset - Enabling More Nuanced Data-Driven Innovation Research</i></p>	

Break

2:40 p.m. - 3:00 p.m.



**Closing Plenary Session – Room 8005**

**3:00 p.m. – 4:15 p.m.**

**Stephanie Plamondon Bair, *Innovation's Paradox***  
Brigham Young University J. Reuben Clark Law School

**Justin Hughes, *The Law of Digital Avatars***  
Loyola Marymount University Loyola Law School

**Betsy Rosenblatt, *IP and the Question of Who Creates***  
UC Davis School of Law

**Closing Remarks – Room 8005**

**4:15 p.m. – 4:30 p.m.**

**Joshua Sarnoff**  
DePaul University College of Law



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