

CONFERENCE AGENDA

THURSDAY, APRIL 11, 2013

7:45 – 8:30 AM | Registration/Refreshments

Outside the Ceremonial Courtroom,
10th floor

8:30 – 8:45 AM | Opening Remarks

Ceremonial Courtroom, 10th floor

- **David Yellen**
Dean and Professor of Law
Loyola University Chicago School of Law
- **John Breen**
Professor of Law and Faculty Advisor,
Loyola University Chicago Law Journal
Loyola University Chicago School of Law

8:45 – 10:15 AM | Special Address

Ceremonial Courtroom, 10th floor

Questioning the Assumptions of the Patent System

- **Richard Stallman**
Free Software Foundation

10:15–10:30 AM | Break

10:30–12:15 PM | Panel #1

Ceremonial Courtroom, 10th floor

What Can We Learn from Creators?

- **Rochelle Dreyfuss**
New York University School of Law
- **Shane Greenstein**
Kellogg School of Management,
Northwestern University
- **Oskar Liivak**
Cornell University Law School
- **Jessica Silbey**
Suffolk University Law School

12:15 – 1:45 PM • Luncheon Address

Ceremonial Courtroom, 10th floor

Innovations to Improve Juror Understanding in Patent Trials

- **Hon. James Holderman**
United States District Court for the
Northern District of Illinois

1:45 – 3:15 PM | Panel #2

Ceremonial Courtroom, 10th floor

Shortcomings in the Patent System

- **Timothy Holbrook**
Emory University School of Law
- **Michael Meurer**
Boston University School of Law
- **Ted Sichelman**
University of San Diego School of Law

3:15 – 3:30 PM | Break

3:30 – 5:00 PM | Panel #3

Ceremonial Courtroom, 10th Floor

Learning by Example: Case Studies of Patent Use

- **David Adelman**
University of Texas Law School
- **Jason Rantanen**
University of Iowa College of Law
- **Andrew Torrance**
The University of Kansas School of Law

ABOUT THE CONFERENCE • The *Loyola University Chicago Law Journal* proudly announces “Patents, Innovation, and Freedom to Use Ideas,” to be held on April 11, 2013.

Under the Constitution, the justification for a patent system—if there is one—is to advance the public welfare by promoting the progress of science. The Constitution authorizes a possible means to accomplish this goal by providing Congress the power to grant limited exclusive rights to those who sufficiently advance the public welfare through innovation. Our Conference will provide a forum for nationally recognized scholars and judges to discuss the trade-off between two interests of the public: the interest in development of new ideas and the interest in freedom to use ideas. The patent system is intended to serve the former, but imposes a cost on the latter. More specifically, the Conference will explore whether the added innovation achieved by the patent system justifies its cost to society, whether it operates within the Constitution’s requirements, whether improvements can be made, and whether a different system or no system at all might be preferred.

CONFERENCE LOCATION • The Conference will be held in the Philip H. Corboy Law Center, Power Rogers & Smith Ceremonial Courtroom, on the 10th floor of 25 E. Pearson St. on Loyola University Chicago’s Water Tower Campus. Validated parking is available in a number of locations adjacent to the School of Law.

REGISTRATION INFORMATION • Loyola University Chicago School of Law is pleased to present this important Conference at no charge for Loyola students and faculty as well as professionals and scholars not seeking CLE credit. For those who wish to obtain credit, registration fees are \$50, or \$40 for alumni. There is no charge for CLE credit for current School of Law faculty, staff, or students, and a 50% fee reduction is offered for attorneys working in the areas of government or public interest.

Seating is limited and registration is appreciated. Open seating will be available on a first-come basis to those who do not register. To register, please email Conference Editor Jimmy Kritsas at lawjournalconference@luc.edu.

This program has been approved by the Illinois MCLE Board for 7.25 hours of General MCLE credit.

ABOUT THE LAW JOURNAL • The *Loyola University Chicago Law Journal* is the law school’s primary scholarly publication that is distributed throughout the nation’s law libraries, judges’ chambers, and other various legal organizations. Published continuously since 1970, the *Law Journal* is committed both to the examination and analysis of current legal issues and problems and to the development of the law. The *Law Journal* is edited and managed entirely by students and publishes the work of distinguished writers, including academics, practitioners, and judges. The *Law Journal* also publishes student-written Notes and Comments.

Volume 44 of the *Law Journal* has published two issues, and will publish three additional issues, during the 2012-2013 year. Issue 1 contains articles that cover general legal topics. Issue 2 contains articles from the April 2012 *Law Journal* Conference titled “The Future of Class Actions and Its Alternatives.” Issue 3 will contain articles from the September 2012 Loyola University Chicago School of Law and Northwestern School of Law Labor and Employment Law Colloquium, as well as general legal articles. Issue 4 will contain articles addressing timely aspects of Illinois law. Finally, Issue 5 will present articles and speeches from the Loyola University Chicago School of Law Institute for Investor Protection’s October 2012 Conference on Behavioral Economics and Investor Protection, which featured keynote speaker, Nobel Prize-winning economist Daniel Kahneman.

For advance registration and information, please contact Conference Editor Jimmy Kritsas
email: lawjournalconference@luc.edu • attn: Law Journal

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SCHOOL of LAW

Philip H. Corboy Law Center
25 E. Pearson St.
Chicago, IL 60611

LOYOLA UNIVERSITY CHICAGO
SCHOOL of LAW

LOYOLA UNIVERSITY CHICAGO LAW JOURNAL PRESENTS:

Patents, Innovation, and Freedom to Use Ideas



THURSDAY, APRIL 11, 2013
PHILIP H. CORBOY LAW CENTER
POWER ROGERS & SMITH CEREMONIAL COURTROOM • 10TH FLOOR
25 E. PEARSON STREET • CHICAGO, IL 60611

Conference Editor: Jimmy Kritsas

REGISTRATION lawjournalconference@luc.edu.

SPECIAL ADDRESS

RICHARD STALLMAN launched the free software movement in 1983 and started the development of the GNU operating system (see www.gnu.org) in 1984. GNU is free software; everyone has the freedom to copy it and redistribute it, with or without changes. The GNU/Linux system, basically the GNU operating system with Linux added, is used on tens of millions of computers today. Stallman has received the ACM Grace Hopper Award, a MacArthur Foundation fellowship, the Electronic Frontier Foundation's Pioneer Award, the Takeda Award for Social/Economic Betterment, as well as several honorary doctorates.

LUNCHEON SPEAKER

HON. JAMES HOLDERMAN has been a United States District Judge in Chicago since 1985, and has been the Chief Judge of the Northern District of Illinois since July 1, 2006. During his more than twenty-five years on the bench, Chief Judge Holderman has presided over numerous cases in all areas of federal jurisdiction, and has also served by designation on judicial panels of the United States Court of Appeals for the Seventh Circuit and for the Federal Circuit. Chief Judge Holderman currently chairs the ABA's Commission on the American Jury, served as co-chair of the Seventh Circuit Bar Association American Jury Project Commission, is a founding member of the ongoing Seventh Circuit Electronic Discovery Pilot Program, and sits on the seven-member board of the Federal Judicial Center, chaired by Chief Justice John Roberts, Jr. Chief Judge Holderman is a contributing author of the *Patent Litigation Strategies Handbook* published by the ABA and has written numerous articles for law reviews and other legal publications on various legal topics. While he was in private practice, he represented the members of the ABA before the United States Congress on ways to improve the rules and procedures applied by the United States Courts. He received both his undergraduate degree and his JD from the University of Illinois at Urbana-Champaign.

PANELISTS

ROCHELLE DREYFUSS is the Pauline Newman professor of law at New York University School of Law and co-director of the Engelberg Center on Innovation Law and Policy at NYU. Her research interests include international and domestic intellectual property law. She clerked for Chief Judge Wilfred Feinberg of the United States Court of Appeals for the Second Circuit and for Chief Justice Warren Burger of the United States Supreme Court. She is presently serving on the Academies' Committee on Science, Technology, and Law. Professor Dreyfuss has authored numerous articles and books, most recently, *A Neofederalist Vision of TRIPS: Building A Resilient International Intellectual Property System* (Oxford University Press 2012) (with Graeme Dinwoodie). She holds her BA and MS degrees in Chemistry and was a research chemist before entering Columbia University School of Law.

SHANE GREENSTEIN is a professor in the Management and Strategy Department at the Kellogg School of Management, and, by courtesy, in the School of Communications, Northwestern University. He is the Kellogg chair of information technology. He is a leading researcher in the business economics of computing, communications and Internet infrastructure. Many of his essays and other commentary are on his blog called *Virulent Word of Mouse and Digitopoly*. He is presently writing a history of the development of the commercial Internet in the United States. Professor Greenstein is also co-director of the economics of digitization at the National Bureau of Economic Research, and editor of the business/economics section of the *Communications of the ACM*. Professor Greenstein received his BA from University of California, Berkeley in 1983 and his PhD from Stanford University in 1989, both in economics. He also continues to receive a daily education in life from his wife and children.

OSKAR LIIVAK is an associate professor of law at Cornell Law School and his research focuses on patent law. He graduated from Rutgers College as a Goldwater Scholar with highest honors in 1994 majoring in physics and mathematics. He received a PhD in 2000 in physics from Cornell University focusing on techniques for determining protein structure using nuclear magnetic resonance. From 2000-2001, he was a post-doctoral scientist working on physical realization of quantum computing in the Quantum Information Group at IBM's Almaden Research Center in San Jose, California. From 2001-2002, he served as a patent agent in the Boston office of Fish and Richardson P.C. Prior to joining Cornell Law School in 2006, he clerked for Judge Sharon Prost on the United States Court of Appeals for the Federal Circuit. He received his JD from Yale Law School.

JESSICA SILBEY is a professor of law at Suffolk University Law School in Boston, teaching in the areas of intellectual property and constitutional law. After clerking for Judge Robert Keeton on the United States District Court for the District of Massachusetts and Judge Levin Campbell on the United States Court of Appeals for the First Circuit, she practiced law in the disputes department of Foley Hoag LLP. Professor Silbey's scholarship in Intellectual Property focuses on the humanistic and sociological dimension of the legal regulation of creative and innovative work. Her forthcoming book, entitled *Harvesting Intellectual Property*, will be published by Stanford University Press next year. It is a qualitative empirical analysis of creative and innovative processes, which explores the interplay between creative and inventive work and intellectual property protection. Professor Silbey received her BA from Stanford University and her JD and PhD (Comparative Literature) from the University of Michigan.

TIMOTHY HOLBROOK is associate dean of faculty and professor of law at Emory University School of Law. Professor Holbrook is an expert in patent law and patent litigation, with particular focus on the life sciences, the extraterritorial implications of patent law, and the role and purpose of patent disclosure. He clerked for the Judge Glenn Archer Jr. of the United States Court of Appeals for the Federal Circuit. His work has been relied upon by district courts and the Federal Circuit. He is the co-author of the third and forthcoming fourth editions of *Patent Litigation and Strategy* with Judge Kimberly Moore, Chief Judge Paul Michel (Ret.) (3d edition), both of the Federal Circuit, and John Murphy (4th edition). Professor Holbrook graduated *summa cum laude* from North Carolina State University, where he was valedictorian and earned a BS in chemical engineering with a life sciences concentration, and received his JD from Yale Law School.

MICHAEL MEURER is a professor and Abraham and Lillian Benton scholar at Boston University School of Law. He teaches and writes on patent law, antitrust law, copyright law, and economic regulation. Before joining Boston University School of Law, he was an economics professor at Duke University and a law professor at the University at Buffalo. Professor Meurer has received numerous grants and fellowships, including the David Saul Smith Award from Boston University School of Law, a grant from the Kauffman Foundation, two grants from the Pew Charitable Trust, a Ford Foundation grant, an Olin Faculty fellowship at Yale Law School, and a postdoctoral fellowship at AT&T Bell Labs. He has served as an expert witness for the Federal Trade Commission on a merger case presenting issues related to patent licensing. He also has consulted with government officials from developing countries about antitrust law, and taught short courses in American intellectual property law at the law faculties of the University of Victoria and the National University of Singapore.

TED SICHELMAN teaches and writes in the areas of intellectual property, law and entrepreneurship, empirical legal studies, law and economics, computational legal studies, and tax law. He clerked for Judge Wallace Tashima of the United States Court of Appeals for the Ninth Circuit, and practiced in the areas of intellectual property litigation and transactions at the law firms of Heller Ehrman and Irell & Manella. He participated in a number of important United States Supreme Court cases, including playing a substantial role in a win for an injured employee in *MetLife v. Glenn* (2008), co-drafting an amicus brief in the patent case, *Bilski v. Kappos* (2010), and submitting an amicus brief in *Global-Tech v. SEB* (2011). In 2012, Sichelman served on the Lieutenant Governor of California's task force to place a satellite office of the United States Patent and Trademark Office in California. In 2011, he worked with the office of Representative Zoe Lofgren to draft proposed language for the recently passed America Invents Act. Before practicing law, he founded and ran the venture-backed software company Unified Dispatch. Sichelman designed the company's software and is a named inventor on several issued and filed patents and applications.

DAVID ADELMAN holds the Harry Reasoner regents chair in law at the University of Texas School of Law. He teaches and writes in the areas of environmental law, intellectual property law, and law & science. Professor Adelman's research focuses on the many interfaces between law and science. His articles have addressed such topics as the implications of genomic technologies for toxics regulation, the tensions between legal and scientific evidentiary standards in regulatory decision making, and development of effective policies for promoting innovation relevant to addressing climate change. Professor Adelman received his BA from Reed College, his PhD in chemistry from Stanford University, and his JD from Stanford Law School.

JASON RANTANEN is an associate professor of law at the University of Iowa College of Law. He obtained his MA in history and JD from the University of Chicago. Prior to teaching, he clerked for Judge William Bryson of the United States Court of Appeals for the Federal Circuit. Following his clerkship, he practiced with the firm of Munger, Tolles & Olson LLP, focusing on patent litigation and counseling. Professor Rantanen is the author of several articles on patent law doctrine and theory. He recently co-authored several essays on the America Invents Act that were featured by the *Michigan Law Review*, the *University of Pennsylvania Law Review*, the *Stanford Law Review*, and the *UCLA Law Review*. In addition, he is a co-author of the widely read law blog *Patently-O*.

ANDREW TORRANCE is a professor of law at the University of Kansas School of Law and is a Docking Faculty Scholar. Professor Torrance practiced biotechnology patent law at Fish and Richardson P.C. and later served as in-house patent counsel at Inverness Medical Innovations. He next helped start Stirling Medical Innovations, a cardiac diagnostics biotechnology company. In 2003, he was named the Hrdy Visiting Professor of Conservation Biology at Harvard University and taught there from 1999 until his arrival at the University of Kansas. He earned his BS from Queen's University in Canada and received his PhD in biology from Harvard University. He received his JD from Harvard Law School.

CONFERENCE COST

NO CHARGE • For Loyola students and faculty, and individuals who do not wish to obtain CLE credits

\$50 • Individuals seeking CLE credits
\$40 • Loyola graduates seeking CLE credits

50% FEE REDUCTION for attorneys working in the areas of government or public interest.