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Education

Ph.D., Economics, Harvard University, 1998
J.D., *Magna Cum Laude*, Harvard Law School, 1997
M.A., Economics, University of British Columbia, 1992
B.A., *Honors*, Politics, Philosophy and Economics (PPE), Oxford University, 1991

Current Position

Associate Professor, Emory University School of Law (June 2012 – Present)

Assistant Professor (July 2007 - June 2012)

Project Leader, Global Health Law & Policy Project, Emory University School of Law (2008 - Present)

Emory Global Health Institute Faculty Fellow, Emory Global Health Institute (2014 – Present)

Fields of Research include global health law and policy, regulation of healthcare markets, regulation of emerging technologies, AI and the law, genetic privacy, intellectual property & innovation, and law & economics.

Courses Taught include contracts, patents & global health, public health law, law & policy of essential medicines, corporate accountability & social justice, intellectual property survey, patent law and intellectual property transactions.

On-line Course Work includes development and teaching of new graduate on-line contracts course and participation in broader on-line program development.

Academic Publications

Articles

Pharmaceutical (Re)capture, ___ Yale Journal of Health Policy, Law & Ethics __ (forthcoming 2021).

Public-Private Litigation For Health, ___ Utah Law Review ___ (forthcoming 2021) (with R. Guttman).

Genetic Paparazzi: Beyond Genetic Privacy, 81 Ohio State Law Review __ (forthcoming 2021)(with Y. Heled).

The Problem with Relying on Profit-Driven Models to Produce Pandemic Drugs, Journal of Law and the Biosciences, Vol. 7, Issue 1 (2020)(with Y. Heled and A. Santos Rutschman)

Why Healthcare Companies Should (Be)come Benefit Corporations, 60 Boston College Law Review 1 (2019) (with Y. Heled and C. Brewer).

The Hidden Costs of Free Patents, 78 Ohio State Law Review 1379 (2018).

Boundary-Spanning Collaboration and the Limits of Joint Inventorship Doctrine, 55 Houston Law Review 401 (2018).

North-South Collaborations to Promote Regional Health Innovation in Africa, 67 Emory Law Journal 619 (2018) (with S. Nwaka, D. Liotta and S. Sencer).

Pre-Competition, 95 North Carolina Law Review 102 (2016) (with J. Contreras).

Patents, Partnerships, and the Pre-Competitive Collaboration Myth in Pharmaceutical Innovation, 48 U.C. Davis Law Review 1509 (2015).

Making Room for Cooperative Innovation, 41 Florida State Law Review 1067 (2014).

Making Knowledge and Making Drugs? Experimenting with University Innovation Capacity, 62 Emory Law Journal 741 (2013).

Universities as Guardians of their Inventions, 2012 Utah Law Review 1949 (2013).

An Organizational Approach to the Design of Patent Law, 13 Minn. Journal of Law, Science & Technology 211 (2012).

Comparing Alternative Institutional Paths to Reform, 61 Alabama Law Review 501 (2010).

Responding to the Challenges of “Against Intellectual Monopoly”, 5 Review of Law & Economics 1115 (2009).

Reconsidering Patent Licensing in the Aftermath of MedImmune, 45 Houston Law Review 1609 (2009). (Modified version reprinted in Intellectual Property and Licensing Issues, editor P L Jayanthi Reddy, Chapter 5, Icafa University Press, 2009.)

Thinking About Thinking Machines: The Implications of Thinking Machines for Patent Law, 8 Boston University Journal of Science & technology Law 574 (2002) (with T. Rice).

Essays & Shorter Works

An Institutional Solution to Build Trust in Pandemic Vaccines, Harvard Public Health Review (forthcoming 2021)(with A. Santos Rutschman and Y. Heled).

Regulatory Reactivity: FDA and the Response to Covid-19, Food and Drug Law Journal (forthcoming 2021) (with A. Santos Rutschman and Y. Heled).

The Need for The Tort Law Privileges of Self-Defense and Necessity in Intellectual Property Law, University of Chicago Legal Forum (forthcoming 2021)(with A. Santos Rutschman and Y. Heled).

A Wrong Without A Remedy: Leaving Parents and Children With a Hollow Victory in Lawsuits Against Unscrupulous Sperm Banks, __ Chicago-Kent Law Review __ (forthcoming 2021)(with Y. Heled and T. Lytton).

Works in Progress

AI, Patents and the Concentration of Innovation Capacity, Work in Progress.

A Statutory Solution to Misrepresentation by Reproductive Tissue Providers, Work in Progress (with Y. Heled, H. Levin, T. Lytton).

A Theory of Genetic Interests, Work in Progress (with A. Santos Rutschman and Y. Heled).

Books and Book Chapters

A LAW AND ECONOMICS APPROACH TO CRIMINAL GANGS (Ashgate Publishing, 1999).

Genetic Paparazzi, Chapter in Consumer Genetic Technologies: Ethical and Legal Considerations (J. Glenn Cohen, N. Fahrahany, H. Greeley & C. Shachar eds., Cambridge University Press 2020)(forthcoming)(with Y. Heled).

The Innovation Arms Race on Academic Campuses, Chapter in Research Handbook on Intellectual Property and Technology, Edward Elgar Press (forthcoming 2019) (with Todd Sherer, Interim Vice President for Research Administration at Emory University).

Patents and Thinking Machines, Chapter 18 in Research Handbook on Law and Artificial Intelligence, Edward Elgar Press (2018).

Patent Pledges in the Cloud, Chapter 15 in *Patent Pledges - Global Perspectives on Patent Law's Private Ordering Frontier*, Jorge L. Contreras and Meredith Jacob, eds. New York: Edward Elgar (2017).

Amicus Briefs

Norman v Xytex (co-authored with T. Lytton and Y. Heled), Supreme Court of Georgia, Case No. S19G1486

Selected Trade Publications, Short Essays, and Book Reviews

FDA is Departing from Long-Standing Procedures to Deal With Public Health Crises and This May Foreshadow Problems for COVID-19 Vaccines; *The Conversation* (August 27, 2020) (with Y. Heled and A. Santos Rutschman).

Review of The Branding of the American Mind: How Universities Capture, Manage, and Monetize Intellectual Property and Why it Matters by Jacob Rooksby, *IP Law Book Review*, Vol. 8 No. 2 (April 2018).

Understanding and Applying the CREATE Act in Collaborations. Chapter 3 in *AUTM Technology Transfer Practice Manual*, 2008.

Copyright Licensing, *The Licensing Journal*, May 2006.

Fixed Terms In A Changing World: Dealing With the Future In University/Industry Licensing, *US Industry Today*, August 2005 (with P. Waller).

The Hidden Costs of 'Free' Software, Article #12106, Volume 72, Issue 1, *Life Sciences*, February 2, 2004 (with S. Henry).

From Sony to Napster And Back? Copyright Law Implications of Decentralized File-Sharing Technology, *Boston Bar Journal* (2002) (with M. Albert).

Selected Recent Presentations

AI, Patents, and Competition, presented at WIPIP 2020, February 18, 2021.

The Need for Tort Law Privileges of Self-Defense and Necessity in IP Law, presented at University of Chicago Legal Forum, Symposium: Law for the Next Pandemic, November 6, 2020, and at WIPIP 2021, February 19, 2021 (virtual collaborative presentation with A. Santos Rutschman and Y. Heled).

Regulatory Reactivity: FDA and the Response to Covid-19, Food and Drug Law Journal 2020 Symposium, "This Teachable Moment: How COVID-19 Provides Lessons from FDA's Past and Present That Will Benefit Its Future Preparedness," November 13, 2020 (virtual, collaborative presentation with co-authors A. Santos Rutschman and Y. Heled)

Addressing Agency Reactivity at the Food and Drug Administration to Protect Evidence Based Decision-Making and Improve Public Trust in the Authorization of COVID-19 related Products, What Could Congress Do about the Pandemic by December 18: A Workshop of Academic and Policy Experts, Emory-Georgia State University collaboration, December 4, 2020 (forthcoming).

Writing Their Own Patent Laws, IPSC 2020 (virtual), hosted by Stanford Law School, July 24, 2020.

Prioritizing Public Health in Public-Private Public Health Litigation (with R. Guttman), presented at AALS Health Workshop (virtual) in June 2020 and Emory-UGA Workshop (Virtual), July 8, 2020.

The Procurement of Public Health Litigation and its Implications for Public Health, (with R. Guttman), 2020 Annual Health Law Conference: Public Health Litigation: Possibilities and Pitfalls, Northeastern School of Law, April 17, 2020.

Comments on The Judicial Policing of Patent Damage Experts, Texas Law Review Symposium, Texas Law School, February 1, 2020.

Litigation as a Public Health Strategy, Annual Health Law Professor's Conference, June 6, 2019.

Rethinking the Role of the Prescriber with the Vulnerable Subject in Mind, Law & Society, Washington DC, June 1, 2019.

Genetic Paparazzi versus Genetic Privacy, Petrie-Flom Conference on Consuming Genetics, Harvard Law School, May 17, 2019.

Genetic Paparazzi and the Inadequacy of Genetic Privacy, Cornell Legal Research Workshop, April 18, 2019.

Impact of Domestic Corporate Strategies on Global Health Inequities, Global Health Inequities and Infectious Disease Workshop, University of Pittsburgh Law School, April 12, 2019.

The Innovation Arms Race on Academic Campuses, MAPWIP (Patent Scholars Workshop), American University Law School, September 28, 2018.

Why Healthcare Companies Should Be(come) Benefit Corporations: Implications for Access to Essential Medicines, Fifth Global Congress on Intellectual Property and the Public Interest, September 27, 2018.

Rethinking the Role of the Prescriber with the Vulnerable Subject in Mind: What we can learn from the Opioid Epidemic, Wiet Life Sciences Law Scholars Conference, September 7, 2018.

Rethinking the Role of the Prescriber: Implications for Public Health, ASLME Annual Health Law Professors Conference, June 7, 2018.

The Vulnerable Subject as Patient and the Role of the Physician, Vulnerability and the Social Reproduction of Resilient Societies Workshop, Emory Law School, May 31, 2018.

Changing the Company to Change the Result: Application to the Opioid Epidemic, Stanford Biolaw Conference, March 23, 2018.

Sharing Genetic Sequence Data for Global Health, The Joharis Symposium on Health Law and Intellectual Property, February 22, 2018.

AI, Competition and Innovation, Faculty Colloquium, Washington College of Law, American University, February 12, 2018.

Patents, Innovation & Access: Finding the Right Balance, UAEM Annual Meeting 2017, Emory University, October 28, 2017.

Thinking Machines and Patents, MAPWIP Patent Scholars Conference, American University Law School, September 13, 2017.

Patent Pledges and Innovation Strategies, Patent Pledges Conference, American University Law School, September 14, 2017.

Health Innovation Networks and the Importance of Legal Capacity Building, Health Law Professors Conference, Georgia State Law School, June 10, 2017,

Social Patents, Institute for Intellectual Property and Information Law 2017 National Conference, University of Houston Law Center, June 3, 2017.

Alternative Business Forms for Companies in Healthcare Markets, Emory Law School Colloquium, April 12, 2017.

Social Patents and Boundary-Spanning Innovation, PatCon 7, Northwestern Law School, April 7, 2017.

The Disconnect Between Public Health Needs and Private Incentives, Law & Biomedicine Colloquium, University of Utah S.J. Quinney College of Law, March 1, 2017.

Social Patents and Innovation Networks, Works-in-Progress Intellectual Property Colloquium, Boston University School of Law, February 10, 2017.

Building Responsiveness and Resilience to Pandemic Disease: The Role of Health Innovation Networks, Thrower Symposium, February 2, 2017

Previous Experience

Associate, Wolf, Greenfield & Sacks, P.C. (2003 – 2007); Of Counsel (2007) Member of the Intellectual Property Transactions, Biotechnology and Chemical Groups, practicing primarily in the area of licensing and other transactions involving intellectual property or intangible assets.

Associate, Hill & Barlow, PC (1998-2003) Member of the corporate department with IP transactions focus.

Judicial Clerkship (June 1997 - June 1998) Clerkship with Judge Stanley Marcus, Federal District Court, Southern Dist. of Florida/Federal Court of Appeals, Eleventh Circuit.

Harvard Legal Aid Bureau, Student Member (Fall 1995 - Spring 1997)

Kirkpatrick & Lockhart, LLP, Summer Associate (Summer 1996)

Harvard Law School, Independent Research (Spring 1994 – 1997). Development of a research program on the economic organization of street gangs.

Harvard Law School, Research Assistant (Summer 1995). Researched use of a law and economics approach to determine child support payments for Dr. Martha Minnow. Researched corporate finance issues for Dr. Lucien Bebchuck.

Harvard University, Kennedy School of Government, Teaching Assistant (Spring 1994) Teaching assistant for Dr. Scherer for a course on the economic analysis of govt. regulation.

World Bank, Private Sector Development Branch, Researcher (Summer 1993) Researcher for Dr. Sham Khemani, involving analysis of Russian industrial policy.

Ongoing Projects and Working Groups

Project Co-Leader, Innovative Learning Project (2020 -)

Faculty Advisor, Emory Law Corporate Governance and Accountability Review (ECGAR) (2018 -)

Emory Global Health Institute Fellow, Emory Global Health Institute (2014 -)

Project Leader, Global Health Law & Policy Project, Emory Law School (2008 -)

Faculty Advisor, Emory chapter of Universities Allied for Essential Medicine (formerly Emory Global Access Partnership Student Group), (2008-)

Member of Working Group, IANPHI project with Africa CDC on legal frameworks for public health (2018)

Member of Working Group, University Role in Addressing Access to Essential Medicines, Emory University (2007-2008)

Affiliated Faculty, Vulnerability Project, Emory Law School (2008 -)

Board and Committee Activities

E2P2 (Ethics and Engaged Professionalism Project) Advisory Board (2018 -)

Class & Labor Committee, Provost's Office, Emory University (2018 - 2019)

Appointments Committee, Emory Law School (2018 - 2019)

Contract Faculty Promotion Committee, Emory Law School (2018 -)

Emory Law Dean Search Committee (2018 -2019)

Emory Health Law Task Force (2012 - 2014)

Colloquium and Scholarship Committee, Emory Law School (2009- 2013, 2017-2018)

Intellectual Property Journal Committee, Emory Law School (2007)

Board of Directors for Third Sector New England, 2007

Member of the Strategic Planning Committee for National Foundation for Teaching Entrepreneurship (NFTE), a New York non-profit organization targeted at disadvantaged youth (2003 - 2009)

Economic Justice Project (affiliated with Lawyers Committee) (2005-2006)

Judge, FIRST Robotics Regional Competition (2006, 2007)

MIT 50K mentor for social enterprise participants (2004 – 2007)

Awards

Boston Business Journal 40 Under 40 Award Recipient 2006

Rising Star Lawyer, Boston Magazine, 2005, 2006

Harvard Graduate School of Arts & Sciences Scholarship for Doctoral Program, 1992-94

Professional Associations

Georgia Bar Association; American Law and Economics Association; Law & Society; American Society of Law, Medicine and Ethics.

Admitted to Practice

Massachusetts, 1997

Georgia, 2007