

Robin Feldman
Professor of Law and Harry & Lillian Hastings Chair
Director, Institute for Innovation Law
University of California Hastings College of the Law

Education:

Stanford Law School, J.D.

Urban A. Sontheimer Award (graduating second in class)

Order of the Coif

Articles Department, Stanford Law Review

Hilmer Oehlmann Jr. Prize (legal research and writing)

Stanford University, B.A.

Phi Beta Kappa

Degree Awarded with Distinction

Dean's Award for Community Service

Law Clerk, The Honorable Joseph T. Sneed, U. S. Court of Appeals, 9th Cir.

Honors:

World Technology Award for Law (2016).

Elected Member of the American Law Institute (2012); appointed as advisor to the ALI Restatement of Copyright (2015).

Named one of the Women Leaders in Law & Tech, the only academic to receive the honor in that year (American Lawyer Publications 2016).

Visionary Award presented by the UC Hastings Board of Directors (2012).

William Rutter Award for Excellence in Teaching, UC Hastings (2009).

Books:

DRUG WARS: HOW BIG PHARMA RAISES PRICES AND KEEPS GENERICS OFF THE MARKET (Cambridge University Press 2017).

RETHINKING PATENT LAW (Harvard 2012).

THE ROLE OF SCIENCE IN LAW (Oxford 2009).

Book Chapters:

Coming to the Community, *in* IMAGINING NEW LEGALITIES, AMHERST SERIES IN LAW, JURISPRUDENCE, AND SOCIAL THOUGHT (Austin Sarat ed., Stanford 2012).

Patent Misuse: From Inception to Modern Case Law, *in* INTELLECTUAL PROPERTY & INFORMATION WEALTH (Peter K. Yu ed., Praeger Publishers, 2007).

Key Articles:

The Sound & Fury of Patent Activity (forthcoming, **Minnesota L. Rev.** 2018), with Mark A. Lemley.

Perverse Incentives (forthcoming **Harvard J. on Legislation** 2018).

Artificial Intelligence: The Importance of Trust & Distrust (forthcoming **Green Bag 2d** 2018) (peer-reviewed).

Artificial Intelligence, Innovation, & Competition (forthcoming **J. of Antitrust Enforcement** 2018) (peer-reviewed), with Nick Thieme.

Is Patent Enforcement Efficient?, 98 **Boston Univ. L. Rev.** 649 (2018), with Mark A. Lemley.

A Citizen's Pathway Gone Astray, 376 **New England Journal of Medicine** 1449 (2017), with Connie Wang.

Empirical Evidence of Drug Pricing Games, 20 **Stan. Tech. L. Rev** 39 (2017), with Evan Frondorf, Andrew Cordova, and Connie Wang.

Regulatory Property: The New IP, 40 **Columbia J.L. & Arts** 53 (2016).

Patent Licensing, Technology Transfer and Innovation, 106 **AM. ECON. REV.** 188-92 (2016), with Mark A. Lemley.

Drug Wars: A New Generation of Generic Pharmaceutical Delay, 53 **HARV. J. ON LEGIS.** 499 (2016), with Evan Frondorf.

The CRISPR Revolution: What Editing Human DNA Reveals About the Patent System's DNA, 64 **UCLA L. Rev. Disc.** 392 (2016).

Learning from Past Mistakes – The US Patent System and International Trade Agreements, *in* Megaregionalism: Innovation and Trade Within Global Networks (Imperial College Press 2016).

Federalism, First Amendment & Patents: The Fraud Fallacy, 17 **COLUM. SCI. & TECH. L. REV.** 30 (2015).

Patent Demands and Initial Public Offerings 19 **STAN. TECH. L. REV.** 52 (2015), with Evan Frondorf (peer reviewed).

Do Patent Licensing Demands Mean Innovation?, 101 **IOWA L. REV.** 137 (2015) with Mark A. Lemley.

Patent Demands & Startup Companies: The View from the Venture Capital Community, 16 **YALE J.L. & TECH.** 236 (2014).

Transparency 19 **VA. J.L. & TECH.** 271 (2014).

Patent Trolling: Why Bio & Pharmaceuticals Are at Risk, 17 **Stan. Tech. L. Rev.** 773 (2014), with W. Nicholson Price.

Human Cells & Cultural Property, 21 **INT’L J. CULTURAL PROP.** 243 (2014).

The America Invents Act 500 Expanded: Effects of Patent Monetization Entities, 17 **UCLA J.L. & TECH.** 1 (2013), with Tom Ewing & Sara Jeruss.

Intellectual Property Wrongs, 18 **STAN. J. OF L., BUS. & FIN.** 250 (2013).

Copyright at the Bedside: Should We Stop the Spread? 16 **STAN. TECH. L. REV.** 623 (2013), with John Newman.

The Giants Among Us, 2012 **STAN. TECH. L. REV.** 1 with Tom Ewing (2012).

The America Invents Act 500: Effects of Patent Monetization Entities on US Litigation, 11 **DUKE L & TECH. REV.** 357 (2012), with Sara Jeruss & Joshua Walker.

Whose Body Is It Anyway? Human Cells and the Strange Effects of Property and Intellectual Property Law, 63 **STAN. L. REV.** 1377 (2011).

Rethinking Rights in Biospace, 79 **S. CAL. L. REV.** 1 (2005).

Defensive Leveraging in Antitrust, 87 **GEO. L.J.** 2079 (1999).

Other Articles:

The Gender Gap in Startup Catalyst Organizations: Bridging the Divide Between Narrative and Reality, 95 **Oregon Law Rev.** 313 (2017), with Alice Armitage and Connie Wang.

Exceptions to the Rule: Considering the Impact of Non-Practicing Entities and Cooperative Regulatory Processes in the Update to the Antitrust Guidelines for the Licensing of Intellectual Property, **J. of the Antitrust, UCL, and Privacy Section of the State Bar of Cal.** (2016).

The FTC Report on Patent Assertion Entities: Lifting the veil, **ABA Public Domain** (2016).

Open Letter on Ethical Norms in Intellectual Property Scholarship, 29 **HARV. J.L. & TECH.** 1-14 (2016), with Mark A. Lemley, Jonathan Masur, & Arti Rai.

Dolly the Sheep: A Cautionary Tale, **Yale J.L. & Tech.** (2016). Web. 8 Jan. 2016.

A More Practical Model for Law Schools, **Harvard Bus. Rev.** (2015). Web. 24 Dec. 2015, with Alice Armitage.

Universities and Patent Demands, **Oxford J.L. & Bioscience** (2015). Web. 16 Dec. 2015, with Andrew Cordova (peer reviewed).

Startups and Unmet Legal Needs (forthcoming **UTAH L. REV.** 2016) with Alice Armitage, Evan Frondorf & Christopher Williams.

The Pace of Change 18 **CHAP. L. REV.** 635 (2015).

Gene Patenting After the U.S. Supreme Court Decision – Does *Myriad* Matter, 28 **STAN. L. & POL'Y REV.** 16 (2014).

Coming of Age for the Federal Circuit, 18 **GREEN BAG** 27 (2014).

Ending Patent Exceptionalism & Structuring the Rule of Reason: The Supreme Court Opens the Door for Both, 15 **MINN. J.L. SCI. & TECH** 61 (2014).

A Conversation in Judicial Decision-Making, 5 **HASTINGS SCI. & TECH. L.J.** 1 (2013).

For the Love of Licensing, 18 **VA. J.L. & TECH.** 178 (2013) (Book Reviewed).

Understanding and Incentivizing Biosimilars, 64 **HASTINGS L.J.** 57 (2012), with Jason Kanter.

Copyright and Open Access at the Bedside, 365(26) **NEW ENG. J. OF MED.** 2449 (Dec. 29, 2011), with John Newman.

The Intellectual Property Landscape for iPS Cells, 3 **STAN. J.L. SCI. & POL'Y** 16 (2010) (peer review), with Deborah Furth.

The Role of the Subconscious in Intellectual Property Law, 2 **HASTINGS SCI. & TECH. L.J.** 2 (2010).

Historic Perspectives on Law and Science, 2009 **STAN. TECH. L. REV.** 1 (2009).

Law's Misguided Love Affair with Science, 10 **MINN. J.L. SCI. & TECH.** 95 (2009) (peer review).

Plain Language Patents, 17 **TEXAS I.P.L.J.** 289 (2009).

Patent and Antitrust: Differing Shades of Meaning, 13 **VA. J.L. & TECH.** 5 (2008).

Open Source, Open Access, and Open Transfer: Market Approaches to Research Bottlenecks, 7 **NW. J. TECH. & INTELLECTUAL PROP.** 14 (2008); *reprinted as a book chapter in* OPEN SOURCE SOFTWARE-LAW AND PHILOSOPHY (Amicus Books 2009), with Kris Nelson.

The Inventor's Contribution, 2005 **UCLA J.L. & TECH.** 6 (2005).

The Open Source Biotechnology Movement: Is It Patent Misuse? 6 **MINN. J. L. SCI. & TECH.** 1 (2004) (peer reviewed).

The Insufficiency of Antitrust Analysis for Patent Misuse, 55 **HASTINGS L. J.** 399 (2003).

Considerations on the Emerging Implementation of Biometric Technology, 2003 **HASTINGS COMM. & ENT. L. J.** 653 (2003).

Consumption Taxes and the Theory of General and Individual Taxation, 21 **VA. TAX REV.** 293 (2002).

Selected Op/Ed Commentaries in 2013-2017:

STAT "Pharma Companies Fight Behind-the-Scenes Wars Over Generic Drugs" (2017).

American Constitution Society for Law and Policy Symposium, "Targeting Deep Pockets: Should Patent Law Be Different?" (2016).

Columbia Law School Blue Sky Blog, "Patent Trolls and IPOs: A Perfect Moment to Strike" (2015).

New York Times, "Slowing the Patent Trolls" (2014).

The Hill, "Next Patent Troll Victims: Pharma & Bio?" (2014).

Recorder, "Science Shouldn't Shoulder Law Aside" (2014).

Boston Globe, "To Liberate American Innovation, We Need to Rethink Patents" (2013).

SCOTUSBlog, "A Conversation Between the Supreme Court and the Federal Circuit" (symposium on the Myriad gene patenting case) (2013).

San Francisco Chronicle, "FTC Must Take on Trolls" (2013).

Washington Legal Foundation, "Conversation with the Honorable Dick Thornburgh on Trolling, Licensing & Litigation: A 21st Century Patent Paradigm" (2013).

Antitrust & Competition Policy Blog, "Antitrust & Sham Litigation as a Response to Inappropriate Patent Monetization Behavior," (2013).

Selected Reviews of Published Work:

DRUG WARS (Cambridge 2017) was listed as Amazon's #1 new release in Health Law and chosen by STAT News staff as one of their top 5 picks for books for the year. It has been cited in Congressional hearings in both the House and Senate.

The Giants Among Us, 2012 STANFORD TECH. L. REV. 1:

--George Dyson, a historian of science and technology was asked by the Chronicle of Higher Education to name the single best article he has read recently. He chose "Giants Among Us."

--One reviewer called *Giants Among Us*, "one of the most important contributions to the debate about NPEs, patent aggregators and the state of the US patent marketplace," another called it "an absolutely remarkable study," and another called it "superb."

--A Dow Jones News site featured it in their daily column of "must reads," and technology reporter Gina Smith called it a "must read."

--IPWatchdog posted a 3-page summary of the article, which was then chosen as #1 on PLI's top 5 blog posts of the week.

America Invents Act 500 Expanded: Effects of Patent Monetization Entities, 17 UCLA J. OF LAW & TECH. 1 (2013), was cited by the White House in its report on Patent Assertion, by the Chair of the FTC, and in numerous hearings on patent reform in Congress and the California legislature. It was one of the top 10 downloads on any legal topic in SSRN's database of recent work.

Professor Stephen Morse of the University of Pennsylvania, in his book review of *THE ROLE OF SCIENCE IN LAW*, called it, "a splendid and wise book" noting further that the book's "diagnosis and malignant prognosis are inevitably and precisely right."

A study of the 1.4 million academic biomedical peer-reviewed articles in 2010-2012 showed that *Copyright and Open Access at the Bedside*, *New England Journal of Medicine* (2011), was the 8th most tweeted article and the only one in the top 15 that was law-related.

Press: (prior five academic years)

More than 350 press interviews with news outlets—including multiple interviews with the *New York Times*, *Wall Street Journal*, *Fortune Magazine*, *Boston Globe*, *Reuters*, *BBC*, *American Lawyer*, *Nature Magazine*, *Chronicle of*

Higher Education, Law360, Daily Journal, Wired Magazine, San Jose Mercury News, San Francisco Chronicle, Orange County Register, The Register (UK), Motherboard, and others, as well as dozens of live or recorded interviews with the following radio or television outlets: NPR Marketplace, NPR Science Friday, AP TV, KQED, KGO, local affiliates of CBS, ABC, FOX, Yale University Radio, and radio or TV stations in Russia, South Korea, Mexico, Australia, Canada, UK, and Japan.

Profiled in a series on *Women Leaders in Law and Technology* by Law Technology News and also in a series on *People to Know* in The Recorder; featured on South Korean TV documentary, “The Trial of the Century,” and BBC radio documentary on patent trolling.

Academic Presentations: (prior five academic years)

More than 80 academic presentations in the last five years including at Harvard, Yale, Stanford, Georgetown, Berkeley, UCLA, USC, and the Ronald Reagan Presidential Library.

Appearances Before Legislative and Regulatory Bodies:

(prior five academic years)

National Academy of Sciences, on artificial intelligence (2017).

US Patent & Trademark Office, on patent subject matter eligibility (2017).

GAO, on artificial intelligence (2017).

Federal Trade Commission, on pharmaceutical competition (2017).

House of Representatives Committee on Judiciary Subcommittee on Regulatory Reform, on the state of competition in the markets for addiction medicine (2016).

Senate Committee on Judiciary Subcommittee on Antitrust, on drug price competition (2016).

Industry Canada, Distinguished Expert presentation on strategic behavior in the patent system (2016).

House Judiciary Committee closed door member briefing on patent reform and the America Invents Act (2015).

Senate Judiciary Committee panel for staff briefing on patent reform legislation pending before the committee (2014).

House Committee on Energy & Commerce Subcommittee on Oversight & Investigations, on pre-litigation patent demand letters (2013).

California Assembly Select Committee on High Technology, on patent assertion entities (2013).

Other Activities:

Herman Phleger Visiting Professor of Law, Stanford Law School (2007).

Chair, Executive Committee of the Antitrust Section of the AALS (2009-2010);
Committee Member (2005-2009).

Life Sciences Working Group, Stanford Law School Litigation IP Clearing House (2008-2009).

Committee Member, Stanford University Hospital Ethics Committee (1997-2001).