

CHRISTOPHER A. COTROPIA

University of Richmond School of Law
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Richmond, VA 23173
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CURRENT EMPLOYMENT

University of Richmond School of Law
Professor of Law, 2009-Present
Associate Professor of Law, 2006-2009
Austin Owen Research Fellow, 2013-16
Faculty Senate President, 2016-17

Bey & Cotropia PLLC
Partner, 2013 - Present

EMPLOYMENT EXPERIENCE

Tulane University School of Law
Associate Professor of Law, 2003-2006
C.J. Morrow Research Associate Professor of Law, 2005-2006

Fish & Richardson P.C.
Intellectual Property Litigation Associate, 2001-2003

Honorable Alvin A. Schall, United States Court of Appeals for the Federal Circuit
Law Clerk, 1999-2001

Honorable Thomas R. Phillips, Supreme Court for the State of Texas
Intern, Spring 1998

Honorable Charles A. Legge, United States District Court for the N.D. of California
Extern, Summer 1997

Texas Instruments
Software Engineer, Summer 1995

EDUCATION

The University of Texas School of Law
J.D. with Honors, 1999
Order of the Coif; Articles Editor – Texas Intellectual Property Law Journal;
Robert S. Strauss Endowed Presidential Scholarship in Law, 1998-1999;
1st place, Susman Godfrey Moot Court Competition, 1998.

EDUCATION (CONT'D)

Queen Mary & Westfield College – Centre for Commercial Law Studies
Study in International and Comparative Intellectual Property Law, Fall 1998

Northwestern University
B.S. with Honors and Distinction in both Computer Engineering and Electrical Engineering, 1996
Tau Beta Pi and Eta Kappa Nu Engineering Honor Societies;
Honors Thesis: *Processor Performance/Area Optimization*;
Coon Hardy Scholarship for Debating Excellence, 1992.

ARTICLES IN MAINSTREAM LAW REVIEWS

Gender Disparity in Law Review Citation Rates, 59 WM. & MARY L. REV. ____ (forthcoming 2018) (co-authored with Lee Petherbridge)

Physicalism and Patent Theory, 69 VAND. L. REV. 1543 (2016) (symposium – *The Patent Disclosure*).

Is Patent Claim Interpretation Deference or Correction Driven?, 2014 BYU L. REV. 1095.

Unpacking Patent Assertion Entities (PAEs), 99 MINN. L. REV. 649 (2014) (co-authored with Jay Kesan and David Schwartz).

Copyright's Topography: An Empirical Study of Copyright Litigation, 93 TEX. L. REV. 1981 (2014) (symposium – *Steps Toward Evidence-Based IP*) (co-authored with Jim Gibson).

The Dominance of Teams in the Production of Legal Knowledge, 124 YALE L.J. F. 18 (2014) (co-authored with Lee Petherbridge).

What is the "Invention"?, 53 WM. & MARY L. REV. 1855 (2012).

Determining Uniformity Within the Federal Circuit By Measuring Dissent and En Banc Review, 43 LOY. L.A. L. REV. 801 (2010) (symposium—*The Federal Circuit as an Institution*).

The Upside of Intellectual Property's Downside, 57 UCLA L. REV. 921 (2010) (co-authored with Jim Gibson).

The Folly of Early Filing in Patent Law, 61 HASTINGS L. J. 65 (2009).

Copying in Patent Law, 87 N. CAR. L. REV. 1421 (2009) (co-authored with Mark Lemley) (symposium—*Frontiers of Empirical Patent Law Scholarship*).

ARTICLES IN MAINSTREAM LAW REVIEWS (CONT'D)

Nonobviousness and the Federal Circuit: An Empirical Analysis of Recent Case Law, 82 NOTRE DAME L. REV. 911 (2007).

Patent Law Viewed Through an Evidentiary Lens: The "Suggestion Test" as a Rule of Evidence, 2006 BYU L. REV. 1517.

Patent Claim Interpretation Methodologies and Their Claim Scope Paradigms, 47 WM. & MARY L. REV. 49 (2005).

Patent Claim Interpretation and Information Costs, 9 LEWIS & CLARK L. REV. 57 (2005) (symposium on *Markman v. Westview Instruments*).

Counterclaims, the Well-Pleaded Complaint, and Federal Jurisdiction, 33 HOFSTRA L. REV. 1 (2004).

BOOK CHAPTERS AND ARTICLES IN PEER-REVIEWED AND SPECIALTY LAW REVIEW

Heterogeneity among Patent Plaintiffs: An Empirical Analysis of Patent Case Progression, Settlement, and Adjudication, 14 J. EMPIRICAL L. STUD. ___ (forthcoming 2018) (co-authored with Jay Kesan and David Schwartz).

Empirical Analysis of Patent Validity, forthcoming book chapter in *Research Handbooks on the Economics of Intellectual Property Law* (2018) (co-authored with Ronald Mann).

Commentary to the U.S. Copyright Office Regarding the Section 512 Study: Higher Education and the DMCA Safe, IHELG Monograph 17-04 (2016) (co-authored with James Gibson).

Should Your Law Review Have an Abstract and Table of Contents?, 82 MISS. L. J. ___ (forthcoming 2016) (co-authored with Lee Petherbridge) (accepted via peer review).

Predictability and KSR's Fundamental Change to Nonobviousness in Patent Law, 19 MICH. TELECOMM. TECH. L. REV. 391 (2014).

Patent Applications and the Performance of the U.S. Patent and Trademark Office, 23 FED. CIR. BAR J. 179 (2013) (co-authored with Cecil D. Quillen, Jr. and Ogden H. Webster).

Do Applicant Patent Citations Matter?, 42 RESEARCH POLICY 844 (2013) (co-authored with Mark Lemley and Bhaven Sampat) (peer reviewed).

Conflict of Interest Issues in Patent Litigation, 1086 PLI/LIT 518 (2012).

BOOK CHAPTERS AND ARTICLES IN PEER-REVIEWED AND SPECIALTY LAW REVIEW (CONT'D)

The Strength of the International Trade Commission as a Patent Venue, 19 TEX. INTELL. PROP. L. J. 1 (2011).

The Individual Inventor Motif in the Age of the Patent Troll, 12 YALE J. L. & TECH. 52 (2009), reprinted at 42 INTELL. PROP. L. REV. 3 (2010).

The Unreasonableness of the Patent Office's "Broadest Reasonable Interpretation" Standard, 37 AIPLA Q. J. 285 (2009) (co-authored with Dawn-Marie Bey) (peer reviewed).

Modernizing Patent Law's Inequitable Conduct Doctrine, 24 BERKELEY TECH. L. J. 723 (2009).

Describing Patents as Real Options, 34 J. CORP. L. 1127 (2009) (symposium—*Invention, Creation, and Public Policy*).

Compulsory Licensing Under TRIPS and the Supreme Court of the United States's Decision in eBay v. MercExchange, in PATENT LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH (Toshiko Takenaka ed., Edward Elgar Publishing, Ltd., 2009).

Internet, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus ed., New York: MacMillan Reference USA/Thomson-Gale) (2008).

Nonobviousness as an Exercise in Gap Measuring, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH (P. Yu ed., Praeger Publishers) (2006).

Observations on Recent Patent Cases: The Year in Review, 88 J. PAT. & TRADEMARK OFF. SOC'Y 46 (2006) (invited submission—peer reviewed).

"After-Arising" Technologies and Tailoring Patent Scope, 61 N.Y.U. ANN. SURV. AM. L. 151 (2005) (invited submission for issue on intellectual property).

"Arising Under" Jurisdiction and Uniformity in Patent Law, 9 MICH. TELECOMM. TECH. L. REV. 253 (2003), reprinted at 36 INTELL. PROP. L. REV. 209 (2004).

Note, *Post-Expiration Patent Injunctions*, 7 TEX. INTELL. PROP. L.J. 105 (1998).

AMICUS BRIEFS

Brief of Demand Progress as Interested Non-Party, *U.S. v. Kim Dotcom*, No. 1:12-cr-00003-LO (E.D. Va. June 2012) (Co-Author and Counsel of Record).

AMICUS BRIEFS (CONT'D)

Brief of Professor Christopher A. Cotropia as Amicus Curiae in Support of Eli Lilly's Answers to the En Banc Questions, *Ariad Pharms., Inc. v. Eli Lilly & Co.*, No. 2008-1248 (Fed. Cir. en banc Nov. 18, 2009) (Author and Counsel of Record) (cited in resulting opinion).

Brief of Business and Law Professors as Amicus Curiae in Support of the Respondent, *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Oct. 16, 2006) (Co-Author and Counsel of Record).

Brief of Professors John R. Allison, et. al. as Amicus Curiae in Support of the Respondents, *MedImmune, Inc. v. Genentech, Inc.*, No. 05-608 (U.S. July 26, 2006) (Co-Author).

WORKS IN PROGRESS

Using Crowdfunding Data to Gain Insights into Patent Theory

Who Would Benefit from Repealing Tampon Taxes? Empirical Evidence from New Jersey (co-authored with Kyle Rozema)

Progression and Workload in Civil Litigation: An Empirical Analysis of Patent Disputes (co-authored with Jay Kesan, Kyle Rozema, and David Schwartz)

Continuing Patent Applications and Performance of the U.S. Patent and Trademark Office as of Fiscal Year 2016 (co-authored with Cecil Quillen, Jr.)

Copyright Incentives in the Courtroom (co-authored with Jim Gibson)

TALKS AND PRESENTATIONS

Commentator, *Comments on Janet Freilich's "Prophetic Patents"*, at *5th Annual Empirical Patent Law Conference*, Duke Law School, Apr. 2017.

Using Crowdfunding Data to Gain Insights into Patent Theory, at *PatCon 7*, Northwestern Law School, March 2017.

Year in Review: Other Key Cases from the Federal Circuit and Supreme Court, United States Patent and Trademark Office, February 2017.

Design Patents: Current Issues at Intellectual Property Law Symposium - Design Patents: Are They Necessary? William & Mary Law School, Oct. 2016.

Using Crowdfunding Data to Gain Insights into Patent Theory, University of Richmond School of Law, Oct. 2016.

TALKS AND PRESENTATIONS (CONT'D)

Commentator, *Comments on Colleen Chien's "Reconceptualizing Patent Comparables"*, University of Texas School of Law, June 2016.

Empirical Analysis of Settlement, Case Progression, and Adjudication in Patent Disputes, at *American Law and Economics Association Twenty-Sixth Annual Meeting*, Harvard Law School, May 2016.

Patent Assertion Entities and Patent Litigation Characteristics and Outcomes, at *Building an Innovation Economy: The Mechanics of the Patent System A Hoover IP2 Working Group Conference*, Hoover Institution, Stanford University, May 2016.

Copyright Validity and Copyright Infringement: An Empirical Study, USPTO Roundtable on Empirical Methods in Intellectual Property, United States Patent and Trademark Office, April 2016.

Commentator, *Comments on Saurabh Vishnubhakat's "The Field of Invention,"* at *Junior Patent Scholars Roundtable*, Notre Dame Law School, April 2016.

Commentator, *Comments on Sean Seymore's "Reinvention,"* at *Patent Scholars Roundtable*, Vanderbilt Law School, Feb. 2016.

Higher Education and the DMCA, Conference on Empirical Research on Copyright Issues -- Chicago-Kent College of Law, Nov. 2015.

Physicalism and Patent Theory, Symposium--*The Patent Disclosure*, Vanderbilt University Law School, Nov. 2015.

Heterogeneity Among Patent Owners in Litigation, Tenth Annual Conference on Empirical Legal Studies, Washington, University, Nov. 2015.

Empirical Analysis of Patent Validity, Northwestern University School of Law, August 2015.

Patent Eligible Subject Matter: Key Cases and Current Requirements, United States Patent and Trademark Office, March 2015.

USPTO's Patentable Subject Matter Analysis after Alice, United States Patent and Trademark Office, Feb. 2015.

Gender Disparity in Law Review Citation Rates, Ninth Annual Conference on Empirical Legal Studies, University of California, Berkeley, Nov. 2014.

Fair-Use, Campus Copyright Committee, University of Richmond, Nov. 2014.

Ethical Conflicts in Intellectual Property Law, Greater Richmond Intellectual Property Lawyers Association, Oct. 2014.

TALKS AND PRESENTATIONS (CONT'D)

Trade Secrets, at the Virginia State-Federal Judicial Conference, Supreme Court of Virginia, Oct. 2014.

Unpacking Patent Assertion Entities (PAEs), at Annual Meeting, American Law and Economics Association, Chicago, IL, May 2014.

Relative Gender Impact in the Production of Legal Knowledge, University of Richmond School of Law, April 2014.

Defensive Patent Aggregators (Anti-Trolls), at *IP Surprise!*, New York Law School, April 2014.

Are Patent Assertion Entities Responsible for the Rise in Patent Suits?, Federal Circuit Bar Association Webcast, February 2014.

Copyright's Topography: An Empirical Study of Copyright Litigation, at *Steps Toward Evidence-Based IP* Symposium of the Texas Law Review, University of Texas School of Law, January 2014.

Patent Assertion Entities (PAEs) Under the Microscope, Licensing Executives Society, Austin, TX, January 2014.

Patentable Subject Matter: Software and Business Methods, United States Patent and Trademark Office, January 2014.

Ethical Conflicts in Intellectual Property Law, at the Greater Richmond Intellectual Property Lawyers Association, University of Richmond Law School, October 2013.

Rising USPTO Prosecution Fees and Their Impact on Patent Attorneys and Patent Quality, at Workshop on Empirical Methods in Intellectual Property, Chicago-Kent College of Law, October 2013.

Patent Exhaustion and Patent Licensing, at 25th Annual Virginia State Bar IP Seminar, Williamsburg, VA, October 2013.

Significant Recent Developments: International Trade and FTA, at 2013 Federal Bar Association International Series, University of Toronto, September 2013.

Copyright's Topography: An Empirical Study of Copyright Litigation, University of Richmond Law School, August 2013.

Predictability as a Basis for Nonobviousness, at *The Center for American and International Law*, Dallas, Texas, November 2012.

TALKS AND PRESENTATIONS (CONT'D)

Do Applicant Patent Citations Matter? Implications for the Presumption of Validity, at *Seventh Annual Conference on Empirical Legal Studies*, Stanford Law School, November 2012.

Patent Conflicts of Interests, Practising Law Institute, New York, New York, March 2012.

Learning Theory and the Federal Circuit, at the *American University Law Review Federal Circuit Symposium*, American University School of Law, February 2012.

Patent Conflicts of Interests, at the *Thirteenth Annual Intellectual Property Law Symposium*, University of Texas School of Law, February 2012.

An Overview of the Prosecution and Litigation Landscape after Patent Reform, United States Patent and Trademark Office, Alexandria, VA, January 2012.

Patent Remedies at the International Trade Commission: An Empirical Analysis of Kyocera, at the *Inaugural Samsung-Stanford Conference on Patent Remedies*, Stanford Law School, February 2011.

Do Applicant Patent Citations Matter? Implications for the Presumption of Validity, at the *Second Annual Research Roundtable on Empirical Studies of Patent Litigation*, Northwestern University School of Law, November 2010.

What is the Invention?, at *Patent Scope Revisited: Merges & Nelson's On the Complex Economics of Patent Scope*, Indiana University Maurer School of Law, September 2010.

The Folly of Early Filing in Patent Law, American University School of Law, October 2010.

Panelist, *Analyzing In re Bilski, Hot Topics in Patent Law*, George Mason University School of Law, July 2010.

Bilski v. Kappos: A First Look, before the *Greater Richmond Intellectual Property Law Association*, University of Richmond School of Law, July 2010.

Panelist, *Ariad Pharmaceuticals v. Eli Lilly: Examining the Written Requirement for Patentability*, *American Bar Association Intellectual Property Law Teleconference Series*, April 2010.

Section 112 and Ariad v. Eli Lilly, *North Carolina Bar Association Intellectual Property Law Section Annual Meeting*, Greensboro, NC, April 2010.

ITC Activity Post-Kyocera, *24th Annual American Bar Association Intellectual Property Law Conference*, Washington, DC, April 2010.

TALKS AND PRESENTATIONS (CONT'D)

Section 112, the Written Description Requirement, and Ariad v. Eli Lilly, United States Patent and Trademark Office, Alexandria, VA, January 2010.

The Folly of Early Filing in Patent Law, George Washington University Law School, November, 2009.

Determining Uniformity Within the Federal Circuit By Measuring Dissent and En Banc Review at The Federal Circuit as an Institution, Loyola Law School, Los Angeles, October, 2009.

The Upside of Intellectual Property's Downside, Southeastern Association of Law Schools Annual Meeting, August 2009.

The Individual Inventor Motif in the Age of the Patent Troll at Patents and Entrepreneurship in Business and Information Technologies, George Washington University Law School, June 2009.

The Upside of Intellectual Property's Downside, Virginia Junior Faculty Forum, April 2009.

Panelist, *Fulfilling the Patent System's Public Notice Function*, Federal Trade Commission, March 2009.

Describing Patents as Real Options at Invention, Creation, and Public Policy, Iowa University Law School, February 2009.

The Upside of Intellectual Property's Downside, University of Washington Law School, February 2009.

The Upside of Intellectual Property's Downside, Seattle University Law School, February 2009.

Rethinking the Patent System's Early Filing Doctrine, University of Houston Law Center, January 2009.

Rethinking the Patent System's Early Filing Doctrine, Columbia Law School, January 2009.

Panelist, *The Limits of Abstract Patents in an Intangible Economy*, The Brookings Institution, Washington, DC, January 2009.

Rethinking the Patent System's Early Filing Doctrine, SMU Law School, October 2008.

TALKS AND PRESENTATIONS (CONT'D)

Inequitable Conduct: A Greatly Misunderstood Defense at the *IP Law Review*, New York, NY, October 2008.

Practicing Before the USPTO and US Copyright Office: Ethical Issues at the *American Intellectual Property Law Association—Annual Meeting*, Washington, DC, October 2008.

Rethinking the Patent System's Early Filing Doctrine at the *Intellectual Property Scholars Conference 2008*, Stanford Law School, August 2008.

Panelist, *Top Ten Recent Developments in Intellectual Property Law* at the *70th Annual Meeting of the Virginia State Bar*, Virginia Beach, VA, June 2008.

Commentator, *Symposium on Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovators at Risk*, University of Georgia School of Law, March 2008.

Moderator, *Are the Supreme Court and the Federal Circuit on the Same Page?* at the *23rd Annual American Bar Association Intellectual Property Law Conference*, Washington, DC, March 2008.

Speaker, *SmithKline Beecham v. Dudas: Challenging the Patent Office's "Continuations" Rule and the Suit's Repercussions* at the *Washington Legal Foundation*, Washington, DC, February 2008.

Impact of KSR on Patent Litigation and Prosecution at the *2008 Advanced Patent Law Institute*, United States Patent and Trademark Office, Alexandria, Virginia, January 2008.

Rethinking the Inequitable Conduct Doctrine in Patent Law, at the *2007 Works-in-Progress Intellectual Property Colloquium*, American University Washington College of Law, October 2007.

Nonobviousness at the USPTO After KSR, Motorola, Inc. Patent Department, September 2007.

Inequitable Conduct and Patent Quality, Intellectual Property Owners Association ("IPO") Annual Meeting, New York, NY, September 2007.

The "Obvious" and "Non-Obvious" Impacts of KSR v. Teleflex, Association of Corporate Counsel Intellectual Property Committee, May 2007.

Testimony on "Process Patents" before the *United States Senate Committee on the Judiciary*, Washington, DC, May 2007.

TALKS AND PRESENTATIONS (CONT'D)

Moderator, *Re-Writing Patent Law: The Supreme Court's Decisions in MedImmune, KSR and Microsoft* at the *22nd Annual American Bar Association Intellectual Property Law Conference*, Washington, DC, April 2007.

Testimony on Public Interest before the *United States International Trade Commission in Certain Baseband Processor Chip and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, Washington, DC, March 2007.

Intellectual Property Injunctions after Ebay before the *Greater Richmond Intellectual Property Law Association*, University of Richmond School of Law, March 2007.

Reforming Patent Law's Disclosure Requirements at Some Modest Proposals 3.0, Benjamin N. Cardozo School of Law, February 2007.

What is the Invention? at the *8th Annual Intellectual Property Symposium*, University of Texas School of Law, February 2007.

Fraud before the Trademark and Copyright Offices at the *American Intellectual Property Law Association – 30th Mid-Winter Institute*, New Orleans, Louisiana, January 2007.

Obviousness at the *7th Annual Advanced Patent Law Institute*, San Jose, California, November 2006.

Obviousness at the *2006 Advanced Patent Law Institute*, United States Patent and Trademark Office, Alexandria, Virginia, November 2006.

Panelist at *What's Ahead on Highway 101*, George Washington University Law School and Oracle Corporation, Washington, DC, November 2006.

Injunctions after eBay at *Patent Policy in the Supreme Court and Congress*, The Berkeley Center for Law and Technology—Boalt Hall School of Law, UC Berkeley and The High Technology Law Institute—Santa Clara University School of Law, October 2006.

Recent Developments in Nonobviousness, IP Innovations Class sponsored by Kilpatrick Stockton LLP, September 2006.

Computer Software and Patent Law at the *19th Annual Technology and Computer Law Institute*, Austin, Texas, June 2006.

TALKS AND PRESENTATIONS (CONT'D)

The "Suggestion Test" as a Rule of Evidence in Patent Law at the *Chicago Intellectual Property Colloquium*, Chicago-Kent College of Law and Loyola University Chicago School of Law, February 2006.

Nonobviousness, the Federal Circuit, and the "Suggestion Test": A Study of Recent Case Law at the *2005 Works-in-Progress Intellectual Property Colloquium*, Washington University School of Law and St. Louis University Law School, October 2005.

Obviousness at the *10th Annual Advanced Patent Law Institute*, Austin, Texas, October 2005.

Patent Year in Review at the *American Intellectual Property Law Association—Annual Meeting*, Washington, DC, October 2005.

Patent Claim Interpretation and Information Costs at the *Tenth Annual Lewis & Clark Law School Fall Business Law Forum—Markman v. Westview Instruments: Lessons from a Decade of Experience*, Lewis & Clark Law School, October 2004.

"After-Arising" Technologies and Patent Scope at the *2004 Works-in-Progress Intellectual Property Colloquium*, Boston University School of Law, September 2004.

Claim Interpretation and the Patent Disclosure at the *Intellectual Property and Communications Law Scholars Roundtable*, Michigan State University School of Law, February 2004.

Claim Interpretation and the Patent Disclosure at the *2003 Works-in-Progress Intellectual Property Colloquium*, Tulane University School of Law, October 2003.

The Appellate Jurisdiction for Patent Litigation at the *2003 High Technology Protection Summit*, University of Washington School of Law Center for Advanced Study & Research on Intellectual Property, July 2003.

The Appellate Jurisdiction of the Federal Circuit at the *7th Annual Advanced Patent Law Institute*, Austin, Texas, October 2002 and at the *3rd Annual Advanced Patent Law Institute*, San Jose, California, November 2002.

RESEARCH INTERESTS

Patent Law, Intellectual Property Law, and Empirical Legal Studies.

COURSES

Intellectual Property Law, Patent Law, Property, Intellectual Property Law and Policy, Computer Law, Copyright Law.

BAR ADMISSIONS

California, District of Columbia, Patent and Trademark Office, and Virginia.

MEMBERSHIPS

American Association of Law Schools; American Intellectual Property Law Association.