

# JONAS ANDERSON

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## ACADEMIC POSITIONS

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### **University of Utah, S.J. Quinney College of Law**

Professor of Law, 2022-present

### **American University, Washington College of Law**

Associate Dean for Scholarship, 2018-2022

Professor of Law, 2018-2022

Associate Professor, 2014-2018

Assistant Professor, 2011-2014

### **Georgetown University Law Center**

Visiting Professor, 2022

### **University of Hawaii – Richardson School of Law**

Visiting Professor, 2022

### **United States Patents & Trademark Office**

Thomas A. Edison Visiting Scholar, academic year 2014-15

### **University of California, Berkeley School of Law**

Microsoft Research Fellow, 2009-2011

## EDUCATION

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**Harvard Law School**, J.D., 2006

**University of Utah**, Physics (B.S.); minor in creative writing, 2002

National Merit Scholar

Presidential Scholar (full-tuition scholarship)

## CLERKSHIP

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**U.S Court of Appeals for the Federal Circuit**, Judge Alan D. Lourie, Washington DC, 2007-09

## LAW REVIEW ARTICLES

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*Why Do Judges Compete for (Patent) Cases?* WILLIAM & MARY LAW REVIEW (forthcoming)  
(with Paul Gugliuzza)

*Extraordinary Writ or Ordinary Remedy? Mandamus at the Federal Circuit*, 100 WASHINGTON UNIVERSITY LAW REVIEW 327 (2022) (with Paul Gugliuzza & Jason Rantanen)

*Federal Judge Seeks Patent Cases*, 71 DUKE LAW JOURNAL 419 (2021) (with Paul Gugliuzza)

*Non-Excludable Surgical Method Patents*, 61 WILLIAM & MARY LAW REVIEW 637 (2020)

*Court Capture*, 59 BOSTON COLLEGE LAW REVIEW 1543 (2018)

*Reining in a “Renegade” Court: TC Heartland and the Eastern District of Texas*, 39 CARDOZO LAW REVIEW 1569 (2018)

*Nontechnical Disclosure*, 69 VANDERBILT LAW REVIEW 1573 (2016)

*Judicial Lobbying*, 91 WASHINGTON LAW REVIEW 401 (2016)

*Judge Shopping in the Eastern District of Texas*, 48 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 539 (2016) (invited symposium)

*Court Competition for Patent Cases*, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 631 (2015)

*Specialized Standards of Review*, 18 STANFORD TECHNOLOGY LAW REVIEW 151 (2015)

*Applying Patent-Eligible Subject Matter Restrictions*, 17 VANDERBILT JOURNAL OF ENTERTAINMENT & TECHNOLOGY LAW 267 (2015) (invited symposium)

*Restoring the Fact/Law Distinction in Patent Claim Construction*, 109 NORTHWESTERN UNIVERSITY LAW REVIEW ONLINE 187 (2015) (with Peter S. Menell) (invited contribution)

*Informal Deference: A Historical, Empirical, and Normative Analysis of Patent Claim Construction*, 108 NORTHWESTERN UNIVERSITY LAW REVIEW 1 (2014) (with Peter S. Menell)

*Patent Dialogue*, 92 NORTH CAROLINA LAW REVIEW 1049 (2014)

*Congress as a Catalyst of Patent Reform at the Federal Circuit*, 63 AMERICAN UNIVERSITY LAW REVIEW 101 (2014)

*Secret Inventions*, 26 BERKELEY TECHNOLOGY LAW JOURNAL 917 (2011)

*Hiding Behind Nationality: The Temporary Presence Exception and Patent Infringement Avoidance*, 15 MICHIGAN TELECOMMUNICATIONS & TECHNOLOGY LAW REVIEW 1 (2008)

## **ESSAYS, BOOK CHAPTERS, AND AMICUS BRIEFS**

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*Court Competition and Its Harmful Effects on Patent Law*, IP LITIGATOR, May/June 2021 (with Paul Gugliuzza)

Empirical Studies of Claim Construction, in RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW (Peter S. Menell & David L. Schwartz, eds., 2019) (with Peter S. Menell)

Brief for Professors Peter S. Menell, J. Jonas Anderson, and Arti K. Rai as Amici Curiae, Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc., No. 13-854 (U.S. June 20, 2014)

- Cited in Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc., 574 U.S. 318 (2015)

Book Review: Gene Patents and Collaborative Licensing Models, 1 IP LAW BOOK REVIEW 54 (2011)

## **CONGRESSIONAL TESTIMONY**

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Hearing on *The Patent Trial & Appeal Board: Examining Proposals to Address Predictability, Certainty, and Fairness*, U.S. Senate, Committee on the Judiciary, Subcommittee on Intellectual Property, June 2022 (written and oral testimony)

## **SELECTED BLOG POSTS**

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*The Federal Circuit's Precedent/Outcome Mismatch*, PATENTLYO (July 5, 2022) (with Paul Gugliuzza and Jason Rantanen)

*Who Escapes Texas and Where Do They Go? Mandamus Petitioners and Transferee Courts in Patent Venue Disputes*, PATENTLYO (June 17, 2022) (with Paul Gugliuzza and Jason Rantanen)

*Opinions Without Law: Federal Circuit Mandamus Decisions of Transfer of Venue*, PATENTLYO (June 15, 2022) (with Paul Gugliuzza and Jason Rantanen)

*Extreme Forum Shopping in Patent Law*, FEDCIRCUITBLOG (Feb. 14, 2022)

*Community Ties in Patent Litigation*, PATENTLYO (Jan. 24, 2022) (with Paul Gugliuzza)

*How It Started...How It's Going: Venue Transfers in the Western District of Texas*, PATENTLYO (Jan. 24, 2022) (with Paul Gugliuzza)

*Extraordinary Writ or Extraordinary Remedy? Mandamus at the Federal Circuit*, PATENTLYO (Oct. 19-21, 2021) (with Paul Gugliuzza and Jason Rantanen)

*No Escape From the Western District of Texas*, PATENTLYO (May 28, 2021) (with Paul Gugliuzza)

*How the West Became the East: The Patent Litigation Explosion in the Western District of Texas*, PATENTLYO (Sept. 15, 2020) (with Paul Gugliuzza)

## **WORKS IN PROGRESS**

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JUDGE SHOPPING (with Paul Gugliuzza)

A book length treatment of the phenomenon of judge shopping in patent law and how the practice is due to infect other fields of law with pernicious consequences for the federal judiciary.

*The Judicial-Sized Loophole in the Patent Pilot Program*

Building off of my prior publications, this article examines the Patent Pilot Program and argues that the program's effectiveness has been undercut by the phenomenon of court competition.

*Fame, Riches, and Patents*

Based on a series of structured interviews with surgeon-patentees, this article examines what value patents have for their owners beyond the right to exclude.

## **SELECTED PAPER PRESENTATIONS**

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*The Judicial-Sized Loophole in the Patent Pilot Program*

All Ohio Annual Institute on Intellectual Property, Sep. 2023

PatCon, Northwestern Law School, Apr. 2023

*Why Do Judges Compete for Cases?*

University of Florida Faculty Workshop, Mar. 2023  
Patent Scholars Roundtable, Vanderbilt Law School, Jan. 2023  
MAPWIP, Georgetown University Law Center, Sept. 2022

*Extraordinary Writ or Ordinary Remedy?*

Colorado Bar, Annual Meeting, May 2022  
University of Washington Faculty Workshop, Feb. 2022  
University of Utah Faculty Workshop, Oct. 2021  
George Washington University Faculty Workshop, Sep. 2021

*Federal Judge Seeks Patent Cases*

Berkeley Law Roundtable, July 2021  
University of Washington Faculty Workshop, Feb. 2021  
Wake Forest Law School Faculty Workshop, Feb. 2021  
Patent Scholars Roundtable, Jan. 2021  
IAMs Conference, IP 2020, Nov. 2020  
Temple Law School Faculty Workshop, July 2020

*What Real Property Can Teach Patent Law About Definiteness*

Works-in-Progress in Intellectual Property Conference (virtual), Feb. 2021  
AALS annual meeting, works-in-progress roundtable, Washington D.C., Jan. 2020

*Non-Excludable Surgical Method Patents*

Intellectual Property Scholars Conference, DePaul Law School, Aug. 2019  
Health Law Professors Conference, Loyola Chicago Law School, June 2019  
PatCon, University of Kansas Law School, Apr. 2019  
Patent Scholars Roundtable, Atlanta, GA, Feb. 2019  
Works-In-Progress Intellectual Property Conference, University of Houston, Feb. 2019  
University of Washington School of Law, Faculty Speaker Series, Nov. 2018  
Intellectual Property Scholars Conference, Berkeley Law School, Aug. 2018  
Stanford Patent Assertion Entity (PAE) Symposium, Stanford Law School, May 2017

*Empirical Trade Secrets*

Trade Secrets Roundtable, Vanderbilt Law School, Sep. 2017  
The New Era of Trade Secret Law, Mitchell Hamline School of Law, April 2017

*Court Capture*

IP and Governance Roundtable, University of Antwerp, Faculty of Law, Jan. 2019  
University of Antwerp, Faculty of Law, Invited Presenter, Feb. 2018  
ASU, Sandra Day O'Connor College of Law, Faculty Workshop, Sep. 2017  
Intellectual Property Scholars Conference, Cardozo Law School, Aug. 2017  
Junior Federal Courts Workshop, Emory Law School, Mar. 2017  
Patent Scholars Roundtable, Atlanta, GA, Feb. 2017  
Brigham Young University, J. Reuben Clark Law School Faculty Workshop, Oct. 2016  
Junior IP Scholars Association, UNH Law School, June 2016  
Junior IP Scholars Workshop, Vanderbilt Law School, April 2016  
University of Illinois College of Law Faculty Workshop, April 2016  
Patent Conference, Boston College School of Law, April 2016

*Non-Technical Disclosure*

Vanderbilt Law Review Annual Conference, Vanderbilt Law School, Oct. 2015

*Patent Claim Clarity Project*

Economics of IP Conference, Northwestern University Law School, Aug. 2015

United States Patent & Trademark Office, Official Webcast, Dec. 2014

IP Scholars Roundtable, University of New Hampshire School of Law, Nov. 2014

*Judicial Lobbying*

Boston University School of Law, Faculty Workshop, April 2016

Mid-Atlantic Patent Works in Progress, American University WCL, Nov. 2015

Junior IP Scholars Workshop, Florida State University College of Law, Dec. 2014

University of Indiana Faculty Workshop, Nov. 2014

Intellectual Property Scholars Conference, UC Berkeley School of Law, Aug. 2014

Stanford Law School Workshop, April 2014

Patent Conference, University of San Diego School of Law, April 2014

*Court Competition for Patent Cases*

Distinguished Speaker Series, Indiana University Indianapolis Law School, Nov 2019

Mid-Atlantic Patent Works in Progress, American University WCL, Sep. 2016

Loyola Chicago Law Review Annual Conference, April 2016

Washington & Lee University School of Law, Faculty Workshop, Dec. 2014

Pennsylvania Law Review forum, University of Pennsylvania Law School, Nov. 2014

Law & Society Annual Conference, University of Minnesota Law School, April 2014

Junior IP Scholars Workshop, Vanderbilt University Law School, April 2014

Junior IP Scholars Workshop, Florida State University College of Law, Dec. 2013

Patent Conference, University of Kansas School of Law, April 2011

*Informal Deference: A Historical, Empirical, and Normative Analysis of Patent Claim Construction*

United States Patent & Trademark Office, Aug. 2014

George Washington University Law School, Faculty Workshop, Jan. 2013

Mid-Atlantic Patent Works In Progress, American University WCL, Sep. 2012

Intellectual Property Scholars Conference, Stanford Law School, Aug. 2012 (plenary)

Patent Conference, Boston College University College of Law, May 2012

George Mason University School of Law, Faculty Workshop, April 2012

Intellectual Property Scholars Conference, DePaul University College of Law, Aug. 2011

*Patent Dialogue*

The Realpolitik of IP, AALS Annual Conference, New Orleans, LA., Jan. 2019

Patent Trolls & Patent Reform Conference, Stanford Law School, March 2014

Indiana University Maurer School of Law, Intellectual Property WCL, Sep. 2013

*Congress as a Catalyst of Patent Reform at the Federal Circuit*

Patent Conference, Chicago-Kent College of Law, April 2013

Junior Scholars Conference in Intellectual Property, Michigan State University School of Law, Nov. 2012

Junior Scholars Workshop, Catholic University of America Columbus Law School, June 2012

### *Applying Patent-Eligible Subject Matter Restrictions*

Vanderbilt JET Law Symposium, Vanderbilt University Law School, Jan 2014

Microsoft Corporation, Redmond, WA, July 2010

Bay Area Junior Scholar Workshop, Stanford Law School, July 2010

### *Secret Inventions*

Brigham Young University, J. Reuben Clark Law School, Faculty Workshop, Jan. 2011

William & Mary Law School, Faculty Workshop, Dec. 2010

University of Oregon Law School, Faculty Workshop, Dec. 2010

University of Utah, S.J. Quinney College of Law, Faculty Workshop, Nov. 2010

American University, Washington College of Law, Faculty Workshop, Nov. 2010

University of Miami School of Law, Faculty Workshop, Sep. 2010

Intellectual Property Scholars Conference, UC Berkeley School of Law, Aug. 2010

### **CONFERENCES ORGANIZED**

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*33<sup>rd</sup> Annual Fordham Lecture*, University of Utah, October 2022

*Annual Mid-Atlantic Patent Works-in-Progress Conference*, Washington D.C., 2012-2021

*3<sup>rd</sup> Annual Patent Scholars Roundtable*, Washington D.C., October 2017

*10<sup>th</sup> Annual Intellectual Property Scholars Conference*, UC Berkeley School of Law, August 2010

*Cloud Computing Conference*, UC Berkeley School of Law, February 2010

### **TEACHING**

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**Courses taught:** Patent Law, Civil Procedure, Property, Intellectual Property, Trade Secrets, Patent Litigation, IP & the Supreme Court

### **UNIVERSITY SERVICE**

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University of Utah, Programs Committee (Chair), 2022-present

University of Utah, Adjunct Appointments Committee, 2022-present

University of Utah, Law Review Advisor, 2022-present

American University, Center for Neuroscience and Behavior Advisory Board, 2020-2022

American University, Law Review Advisory Committee, 2018-2022

American University, WCL Hiring Committee, 2015-2021

American University, WCL Speaker Series Committee, 2017-2022

American University, WCL Scholarship Awards Committee, 2014, 2017, 2021

American University, WCL Technology Committee, 2018-2020

### **EXTERNAL SERVICE**

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Administrative Conference for the U.S., Consultative Group for Small Claims Patent Court

Advisory Committee, Administrative Law Review

Editorial Board, Stanford Technology Law Review

Peer Reviewer, Yale Law Journal

Peer Reviewer, Harvard Law Review

Peer Reviewer, Oxford University Press

Giles S. Rich Inn at Court, Washington D.C. (Intellectual Property), member from 2009-2022

### **ADDITIONAL LEGAL WORK EXPERIENCE**

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**Latham & Watkins, LLP, Silicon Valley, CA**

Patent Litigation Associate, 2005-2007