

## ANDREW C. MICHAELS

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### ACADEMIC PUBLICATIONS

- Retroactivity and Appointments, 52 LOY. U. CHI. L. J. 627 (2021)
- Artificial Intelligence, Legal Change, and Separation of Powers, 88 CINN. L. REV. 1083 (2020)
- Implicit Overruling and Foreign Lost Profits, 25 B.U. J. SCI. & TECH. L. 101 (2019)
- The Patent Lawyer’s Guide to Fascism: On Individual Autonomy and Private Law, 49 NEW MEXICO L. REV. 169 (2019)
- Abstract Innovation, Virtual Ideas, and Artificial Legal Thought, 14 J. BUS. & TECH. L. 1 (2018)
- Patent Transfer and the Bundle of Rights, 83 BROOKLYN L. REV. 933 (2018)  
quoted in, *Cardiovascular Sys. v. Cardio Flow, Inc.*, 2020 U.S.P.Q.2D (BNA) 11309 (D. Minn. 2020)
- The Holding-Dictum Spectrum, 73 ARKANSAS L. REV. 661 (2017)
- Pot Calls Kettle Dictum: Expanded Secret Prior Art in Obviousness, 26 FED. CIR. BAR J. 93 (2016)
- Tones That Echo From a Past Era of Rigid Jurisprudence: Pre-Challenge Royalties and the Federal Circuit’s *Shell* Test, 31 SANTA CLARA HIGH TECH. L. J. 543 (2015)
- An Infamous Illustration of Patent Infringement Pleading: Form 18 and Context-Specificity  
19 B.U. J. SCI. & TECH. L. 286 (2013)
- International Technology Transfer and TRIPS Article 66.2: Can Global Administrative Law Help Least-Developed Countries Get What They Bargained For?, 41 GEORGETOWN J. INT’L L. 223 (2009)

### TRADE JOURNAL PUBLICATIONS, ONLINE CONTENT, AND AMICUS BRIEFS

- Functionality’s Role In *Oracle* Copyright Ruling Isn’t So Novel, LAW360 (May 7, 2021)
- Brief of Amicus Curiae Professor Andrew Michaels Supporting No Party, *United States v. Arthrex, Inc.*, (Supreme Court, No. 19-1434) (Dec. 1, 2020)
- Arthrex* Remands: Treat or Trick?, PATENTLY-O (July 19, 2020)
- A Possible Limit on High Court 2005 Agency Deference Ruling, LAW360 (March 6, 2020)
- Fed Circ.’s *Arthrex* Decision Should Apply Retroactively, LAW360 (Dec. 5, 2019)
- Examining the USPTO’s Bid for Adjudicatory *Chevron* Deference, IP WATCHDOG (Oct. 1, 2019)
- How Congress Could Abolish Patent Eligibility Exceptions, LAW360 (July 1, 2019)
- How Much Deference Courts Owe to USPTO Guidance, LAW360 (June 20, 2019)
- Questioning Artificial Intelligence in Law, CUHK LAW MACHINE LAWYERING BLOG (May 18, 2019)
- Did High Court Overrule Fed. Cir. on Foreign Lost Profits?, LAW360 (January 11, 2019)

The Emperor of Alice's Abstract Wonderland, LAW360 (July 24, 2018)

*SAS Institute Inc. v. Iancu*: The Statute is Hereby Clear,  
GEO. WASH. L. REV. ON THE DOCKET (May 7, 2018) (featured on SCOTUSBLOG, May 8, 2018)

*Impression Products, Inc. v. Lexmark International, Inc.*: A Glib Rebuke of the Federal Circuit,  
GEO. WASH. L. REV. ON THE DOCKET (June 11, 2017)

A Simple Way To Manage Costs In Patent Litigation, LAW360 (Dec. 14, 2016)

Patent Exhaustion: Invention-by-Invention, IP LITIGATOR, Vol. 22 No. 2 (March / April 2016)

The Federal Circuit Debate On Patent Exhaustion, LAW360 (February 29, 2016)

## **SPEAKING ENGAGEMENTS**

### **Rehearings and Retroactivity in *Arthrex***

New York Intellectual Property Law Association (NYIPLA) CLE Presentation (Feb. 2021)  
Intellectual Property Students Organization, University of Houston Law Center (Mar. 2021)

### **Retroactivity and Appointments**

South Texas College of Law Houston, Faculty Scholarship Exchange, Houston, TX (Sept. 2020)  
Notre Dame Patent Colloquium, Notre Dame, IN (Virtual) (Mar. 2021)

### **Benefits of the Invention in Patent Law**

South Eastern Association of Law Schools, Annual Meeting, Ft. Lauderdale, FL (July 2020)  
2021 Works-in-Progress Intellectual Property Colloquium, Texas A&M (Virtual) (Feb. 2021)

### **No Limit! The Extraterritorial Reach of Patent Damages**

Panelist, California Lawyers Association 44<sup>th</sup> IP Institute, Las Vegas, NV (Nov. 2019)

### **Artificial Intelligence, Legal Change, and Separation of Powers**

South Eastern Association of Law Schools, Annual Meeting, Ft. Lauderdale, FL (July 2019)  
19th Annual Intellectual Property Scholars Conference, Chicago, IL (Aug. 2019)  
Fall 2019 IP Colloquium, BYU Law School, Salt Lake City, UT (Sept. 2019)  
AALS Annual Meeting, Junior Scholars IP Section, Washington DC (Jan. 2020)  
2020 Works-in-Progress Intellectual Property Colloquium, Santa Clara, CA (Feb. 2020)  
University of Houston Assistant Professor Excellence Series (Sept. 2020)

### **Patent Appeals – Nuts and Bolts at the PTAB and the Federal Circuit**

Panelist, USPTO Continuing Legal Education Program (Mar. 2019)

### **Foreign Sales in the Wake of *Lexmark*, *Halo* and *WesternGeco***

The 2019 JOSTL & ILJ Symposium, Boston University School of Law, Boston, MA (Feb. 2019)  
2019 Works-in-Progress Intellectual Property Colloquium, U. of Houston, Houston, TX (Feb. 2019)  
Junior Intellectual Property Scholars Association Conference, GW Law, Washington DC (May 2019)

### **Against Tech-Determinism in Law**

PatCon 8, University of San Diego School of Law, San Diego, CA (March 2018)  
2018 Mid-Atlantic Junior Faculty Forum, Richmond, VA (May 2018)  
2018 Texas A&M Patent Roundtable Conference, Ft. Worth, TX (Sept. 2018)

### **Virtual Reality and 35 U.S.C. § 101**

U. Maryland Journal of Business & Technology Law Symposium, Baltimore, MD (Apr. 2018)  
18th Annual Intellectual Property Scholars Conference, UC Berkeley Law, Berkeley, CA (Aug. 2018)

### **The Patent Lawyer's Guide to Fascism: on Individual Autonomy and Private Law**

17th Annual Intellectual Property Scholars Conference, New York, NY (Aug. 2017)

University of Maryland Junior Faculty Workshop, Baltimore, MD (Sept. 2017)

South Eastern Association of Law Schools, Annual Meeting, Ft. Lauderdale, FL (Aug. 2018)

### **Impression Products v. Lexmark: A Glib Rebuke of the Federal Circuit**

GW Law Faculty Summer Lunch Workshop Series, Washington, D.C. (July 2017)

### **Patent Transfer And The Bundle Of Rights**

2017 Works-in-Progress Intellectual Property Colloquium, Boston U., Boston, MA (Feb. 2017)

9th Annual Junior Scholars in Intellectual Property Workshop, MSU Law, E. Lansing, MI (May 2017)

Santa Clara Bay Area IP Works In Progress Workshop, Santa Clara, CA (May 2017)

2017 Texas A&M Patent Roundtable Conference, Ft. Worth, TX (Sept. 2017)

### **The Holding-Dictum Spectrum**

16th Annual Intellectual Property Scholars Conference, Stanford, CA (Aug. 2016)

2017 NYU Academic Scholars Workshop, New York, NY (Apr. 2017)

2017 Mid-Atlantic Junior Faculty Forum, Richmond, VA (May 2017)

## **EDUCATION**

### **NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY**

J.D., *cum laude*, May 2010

Order of Barristers, Robert McKay Scholar

### **WASHINGTON UNIVERSITY IN SAINT LOUIS, St. Louis, MO**

B.S., Biomedical Engineering Science, (minor Physics), *cum laude*, May 2005

Tau Beta Pi (Engineering Honor Society), Alpha Eta Mu Beta (Biomedical Eng'g Honor Soc'y)

## **EXPERIENCE**

### **University of Houston Law Center, Houston, TX**

*Assistant Professor of Law*, 2018 – present

Teaching: Patent Law, Statutory Regulation and Interpretation, Intellectual Property Survey

### **George Washington University Law School, Washington, D.C.**

*Visiting Associate Professor and Frank H. Marks IP Fellow*, 2016 – 2018

Taught Seminar on Advanced Topics in Patent Litigation

Coached 2018 GW Jessup International Law Moot Court Team to Mid-Atlantic Regional Semifinals

### **Tensegrity Law Group, LLP, Redwood Shores, CA, Associate, 2013-2016**

### **Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, D.C., Associate, 2012-2013**

### **Law Clerk to Judge Pauline Newman, U.S. Court of Appeals for the Federal Circuit, 2010-2012**

### **Ropes & Gray LLP, New York, NY, Summer Associate, 2009**

### **Epic Systems Corporation, Madison, WI, Technical Services Engineer, 2005-2007**

## **OTHER / SERVICE**

University of Houston Law Center Executive Committee

Faculty Mentor for First Year Students at University of Houston Law Center

Houston Intellectual Property Law Association Member

Nancy Atlas Houston IP Inn of Court Member

Moot Court Judge for Jessup International Competition and Giles Rich IP Competition

Admitted to practice before / in: California, DC, USPTO, Federal Circuit, U.S. Supreme Court