

## **EDUCATION**

J.D., University of Chicago Law School (2003)

- Staff Member, University of Chicago Law Review

B.S. (Mathematics) and B.A. (Philosophy, with dept. honors), University of Texas at Austin (1999)

## **FACULTY POSITION**

University of Houston Law Center (2009–Present)

- John Mixon Chair in Law (2021–Present) & Professor of Law (2018–Present)
  - Prior Chairs: Law Foundation Professor of Law (2018–2021); George Butler Research Professor (2016–2018)
  - Prior Rank: Associate Professor (2014–2018); Assistant Professor (2009–2014)
- Co-Director, Institute for Intellectual Property & Information Law (2016–Present)
- Classes taught: Property, Patents, International Intellectual Property, Federal Courts, Administrative Law

## **HONORS, FUNDED FELLOWSHIPS, AND AWARDS**

Visiting Scholar, University of Copenhagen Centre for Advanced Studies in Biomedical Innovation (CeBIL) (Fall 2022)

- Visit is funded through a Visitor Grant, financially supported by the Novo Nordisk Foundation

University of Houston Law Center Order of the Barons Professor of the Year (2022)

Fulbright-Schuman Innovation Grant, Fulbright Scholar Program (Spring 2019)

- Researched the use of technically-trained judges in European patent courts
- Residency was at the University of Strasbourg Center for International Intellectual Property Studies and the Max Planck Institute for Innovation and Competition in Munich

University of Houston 50 in 5 Scholar (2018)

German Academic Exchange Service Scholarship Recipient (2018)

University of Houston Teaching Excellence Award (2013)

University of Houston Law Center Student Bar Association Faculty of the Year (2013)

University of Houston New Faculty Research Program Grant (2012)

University of Houston Law Center IPIL Sponsored Scholarship Grant For Federal Appellate Court Clerks (2008)

## **PREVIOUS EMPLOYMENT**

Law Clerk, Judge Kenneth Ripple, U.S. Court of Appeals for the Seventh Circuit (2008–2009)

Faculty Fellow, Duke University School of Law/Duke Center for Genome Ethics Law & Policy (2006–2008)

Associate Attorney, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP (2005–2006)  
Associate Attorney, Kirkland & Ellis LLP (2003–2005) (Summer Associate: Summer 2002)  
Summer Associate, McLachlan, Rissman & Doll (2001)  
Systems Analyst, Digital Motorworks Inc. (1999–2000)  
Research Assistant, University of Texas at Austin, Advanced Research Laboratory (1999)

## **ARTICLES AND PEER-REVIEWED PUBLICATIONS**

*Centralizing Pharmaceutical Innovation* (work-in-progress)

*Contractual Solutions to Overcome Drug Scarcity During Pandemics and Epidemics*, 40 NATURE BIOTECH. 301 (2022) (with Ana Santos Rutschman) (peer-reviewed)

*Compulsory Licensing of Patents During Pandemics*, 54 CONN. L. REV. 57 (2022)

*Judging Patents*, 62 WM. & MARY L. REV. 871 (2021)

*Patent Court Specialization*, 104 IOWA L. REV. 2511 (2019)

- Invited as part of the Iowa Law Review's *Administering Patent Law* symposium

*Innovation Nationalism*, 51 CONN. L. REV. 205 (2019)

*Patent Damages Without Borders*, 25 TEX. INTELL. PROP. L. J. 73 (2017)

- Invited as part of a conference on patent damages at the University of Texas Law School
- Funding statement: I received a \$10,000 honorarium from the University of Texas School of Law, funded by the Intel Corporation, in exchange for writing and presenting an article on the topic of patent damages. Intel provided no input on either my topic selection or on my paper.

*Standing Against Bad Patents*, 32 BERKELEY TECH. L. J. 87 (2017)

*Regulating Digital Trade*, 67 FLA. L. REV. 1909 (2015)

*Life, Liberty, and the Pursuit of Genetic Information*, 65 ALA. L. REV. 625 (2014)

*The Accidental Agency?*, 65 FLA. L. REV. 229 (2013)

*Expert Court, Expert Agency*, 44 UC DAVIS L. REV. 1547 (2011)

*The Other Patent Agency: Congressional Regulation of the ITC*, 61 FLA. L. REV. 529 (2009)

*Proprietary Science, Open Science, and the Role of Patent Disclosure: The Case of Zinc Finger Proteins*, 27 NATURE BIOTECH. 140 (2009) (with Rai, Chandrasekharan, and Valley) (peer-reviewed)

*Synthetic Biology: The Intellectual Property Puzzle*, 85 TEX. L. REV. 1745 (2007) (with Arti Rai)

*Enforcing the GNU GPL*, 2006 U. ILL. J.L. TECH. & POL'Y 1 (2006)

*Website Libel and the Single Publication Rule*, 70 U. CHI. L. REV. 639 (2003) (student comment)

## **BOOK CHAPTERS**

*Planning for Pandemic and Epidemic-Related Drug Scarcity*, in INTELLECTUAL PROPERTY, COVID-19, AND THE NEXT PANDEMIC: DIAGNOSING PROBLEMS, DEVELOPING CURES (Haochen Sun & Madhavi Sunder, eds) (forthcoming, Cambridge U. Press 2023) (with Ana Santos Rutschman), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4101949](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4101949).

## SHORT ESSAYS, BLOG POSTS, AND OTHER PUBLICATIONS

*Using Contracts to Lessen Inequities in Access to Medicines in Pandemics and Epidemics*, BILL OF HEALTH (March 25, 2022), <https://blog.petrieflom.law.harvard.edu/2022/03/24/contracts-global-access-to-medicines/> (with Ana Santos Rutschman)

*Reducing Drug Scarcity During Pandemics and Epidemics Through Contracts*, NATURE HEALTH COMMUNITY (March 18, 2022), <https://healthcommunity.nature.com/posts/reducing-drug-scarcity-during-pandemics-and-epidemics-through-contracts> (with Ana Santos Rutschman)

*WTO Global Health: Shifting away from a Punishment Mindset*, PATENTLYO (May 9, 2021), <https://patentlyo.com/patent/2021/05/shifting-punishment-mindset.html>

*Pandemic Drug Shortages: Is Compulsory Licensing the Answer?*, PATENTLYO (Jan. 28, 2021), <https://patentlyo.com/patent/2021/01/shortages-compulsory-licensing.html>

*Promoting Public Health Through State Sovereign Immunity*, 4 J. L. & INNOV. 1 (2021)

- Invited as part of a symposium at the University of Pennsylvania Law School

*Judge-Made Solutions to Patent Litigation*, 18 CHI. KENT L. J. 508 (2019)

- Invited as part of a symposium at Chicago Kent Law School

*Introduction, Trademark Law*, 56 HOUS. L. REV. 267 (2018)

Amicus Brief of the Houston Intellectual Property Law Association in Support of Neither Party, *WesternGeco LLC v. Ion Geophysical Corp.*, 16-1011 (with Ifti Ahmed) (2018), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3133378](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3133378)

*Introduction, Patent Law and Progress*, 55 HOUS. L. REV. 265 (2017)

*Developments in ClearCorrect v. USITC*, PATENTLYO (Aug. 16, 2015), <http://patentlyo.com/patent/2015/08/developments-clearcorrect-usitc.html>

*Digital Information at the Border*, PATENTLYO (July 28, 2015), <http://patentlyo.com/patent/2015/07/digital-information-border.html>

*Gene Patents and Patient Rights*, 35 WHITTIER L. REV. 363 (2014)

- Invited as part of a symposium at Whittier Law School

*The Impact of Gene Patents on Patient Liberty Interests*, USPTO ROUNDTABLE ON GENETIC DIAGNOSTIC TESTING (2013), [www.uspto.gov/aia\\_implementation/gen\\_f\\_kumar\\_20130209.pdf](http://www.uspto.gov/aia_implementation/gen_f_kumar_20130209.pdf)

*Introduction, IP and Information Law in the Administrative State*, 50 HOUS. L. REV. 381 (2012)

*An Uncomfortable Fit?: Intellectual Property Policy and the Administrative State*, 14 MARQ. INTELL. PROP. L. REV. 441 (2010) (panel discussion)

*The Bilski Decision: What Does it Mean for the Future of Business Method and Software Patents?*, COMPUTER L. REV. INT'L (Aug. 14, 2010)

*GPL Version 3's DRM and Patent Clauses Under German and U.S. Law* (with Dr. Olaf Koglin), COMPUTER L. REV. INT'L (April 15, 2008)

## RECENT MEDIA

Adam Zamecnik, *Covid-19 Patent Lawsuits: Will Vaccine Producers have to Pay the Bill?* PHARMA TECH. (May 13, 2022), <https://www.pharmaceutical-technology.com/news/covid-19-patent-lawsuits-will-vaccine-producers-have-to-pay-the-bill/>

Scott Graham, *How a Former Law Clerk Earned \$700K This Year as a Court-Appointed Technical Adviser*, TEXAS LAWYER (Aug. 27, 2021) (quoted)

Channel NewsAsia CNA938 Asia First (Singapore) (May 10, 2021) (live radio interview)

Ashutosh Pandey, *Access to COVID Vaccine Patents is not the Same as Access to Vaccines*, DEUTSCHE WELLE (Germany) (May 6, 2021), <https://www.dw.com/en/access-to-covid-vaccine-patents-is-not-the-same-as-access-to-vaccines/a-57448750> (quoted)

*Waiving Patent Protections—Deal or No Deal?* DEUTSCHE WELLE (Germany) (May 5, 2021) (live television interview)

Scott Graham, *Should IP Rights Be Suspended for COVID Vaccines? A Q&A with University of Houston's Sapna Kumar*, NAT'L L. J. (April 28, 2021), <https://www.law.com/nationallawjournal/2021/04/28/should-ip-rights-be-suspended-for-covid-vaccines-a-qa-with-university-of-houstons-sapna-kumar> (detailed interview)

Perry Cooper, *Companies 'Doing Backflips' at Top Patent Court Seek SCOTUS Help*, BLOOMBERG LAW (Jan. 25, 2021), <https://news.bloomberglaw.com/us-law-week/companies-doing-backflips-at-top-patent-court-seek-scotus-help> (quoted)

Scott Graham, *Juul Seeking Broad Order to Exclude Look-Alike E-Cigarettes*, LAW.COM (July 13, 2020), <https://www.law.com/therecorder/2020/07/13/juul-seeking-broad-order-to-exclude-look-alike-e-cigarettes/> (quoted)

Steven Seidenberg, *US Perspectives: US May Extend its Patent Damages Worldwide*, INTELL. PROP. WATCH (Feb. 2, 2018), <https://www.ip-watch.org/2018/02/09/us-may-extend-patent-damages-worldwide/> (quoted)

## COURT AND AGENCY CITATIONS

Glassdoor, Inc. v. Andra Group, LP, 575 S.W.3d 523, 529 n.4 (Tex. 2019)

*The Evolving IP Marketplace: Aligning Patent Notice and Remedies with Competition*, U.S. Federal Trade Commission, 2011 WL 838912, at \*109 n.115, n.126 (March 7, 2011)

Nationwide Bi-Weekly Admin., Inc. v. Belo Corp., 512 F.3d 137, 143 n.2 (5th Cir. 2007)

Jankovic v. Int'l Crisis Group, 494 F.3d 1080, 1088 (D.C. Cir. 2007)

Oja v. United States Army Corps of Eng'rs, 440 F.3d 1122, 1130 n.5 (9th Cir. 2005)

Larson v. Ford Credit, 06-CV-1811, 2007 U.S. Dist. LEXIS 47181, at \*7 (D. Minn. June 27, 2007)

Churchill v. State, 378 N.J. Super. 471, 482 n.3 (N.J. Super. 2005)

## SELECT PRESENTATIONS

*Trial Court Specialization for Patent Cases, Estop and Stay Awhile: The Interaction of Administrative and Article III Courts in Intellectual Property*, Texas Intell. Prop. L. Journal Symposium (2022).

Panelist, *Recent Trends in Granting Compulsory Licenses*, 2021 International IP Court Conference (South Korea) (2021)

*New Licensing Avenues to Promote Public Health* (with Ana Santos Rutschman), Intellectual Property, COVID-19, and the Next Pandemic: Diagnosing Problems, Developing Cures, Hong Kong U. Law & Georgetown Law (2021)

Panelist, *Vaccines, Intellectual Property, and Global Equity*, 65th Annual IP Conference, U. Illinois Chicago Law

*Centralizing Drug Innovation*, Suffolk IP Scholarship Workshop (2021)

Panelist, *Revisiting the USPTO's Rulemaking Authority after Cuozzo and City of Arlington*, Naples Roundtable (2021)

*COVID-19 Vaccine Shortages: Are Intellectual Property Waivers the Answer?*, Dallas Bar Association Intellectual Property Law Section (2021)

Moderator, *Proposed TRIPS Waiver for IP Rights Associated with COVID Vaccines and Treatments: A Panel Discussion*, International Association for the Protection of Intellectual Property (2021)

Panelist, *IP in the Time of COVID*, Intellectual Property Law & Its Challenges, Golden Gate University (2021)

Panelist, *Innovation and the Pandemic*, Medical/Legal Lessons Learned From the Pandemic Cleveland-Marshall College of Law Health Law & Policy Conference (2021)

*Promoting Public Health Through State Sovereign Immunity*, Innovation in a Time of Crisis, U. of Pennsylvania's J. of Law & Innovation Symposium (2021)

*Patents, Pharma, and the Pandemic*, Public Law in the Time of Trump Seminar, U. of Chicago Law School (2020)

*Patents, Pharma, and the Pandemic*, Loyola (Los Angeles) Law School Faculty Workshop Series (2020)

*Patents, Pharma, and the Pandemic*, FDA Law Seminar, U. of Michigan Law School (2020)

*Patents, Pharma, and the Pandemic*, Wiet Life Sciences Law Scholars Workshop, Beazley Institute for Health Law and Policy at Loyola-U. Chicago (2020)

- One of four scholars selected as a Wiet Life Sciences Law Scholar

*Patents, Pharma, and the Pandemic*, Privacy and Intellectual Property in the Age of Coronavirus, Institute for Privacy Protection & Gibbons Institute of Law, Science & Technology of Seton Hall U. School of Law (2020)

*Patents, Pharma, and the Pandemic*, U. of Iowa Innovation, Business, and Law Center's Summer Speaker Series (2020)

*Judging Patents*, Distinguished Lecture Series, Indiana U. McKinney School of Law (2020)

*Increasing Technical Expertise in Patent Litigation*, U. of Michigan Law School IP Workshop (2019)

*Increasing Technical Expertise in Patent Litigation*, Indiana U. Mauer School of Law IP Colloquium (2019)

*Increasing Technical Expertise in Patent Litigation*, International Association for the Advancement of Teaching and Research in IP (2019)

*Innovation Nationalism*, Hokkaido U. (Japan) (2019)

*Technical Experts as Judges: What the United States Can Learn from Europe*, Patentrechtszyklus, Max-Planck Institute for Innovation and Competition (Germany) (2019)

*Innovation Nationalism*, April Keynote for 25th Anniversary of the Tilburg Institute for Law, Technology, and Society (Netherlands) (2019)

*Innovation Nationalism*, Institute Seminar, Max-Planck Institute for Innovation and Competition, (Germany) (2019)

Panelist, *eBay: Model or Monster?, Injunctions and Flexibility in Patent Law*, Ludwig Maximilian U. (Germany) (2019)

*Advancing Nationalism Through Patent Rights*, CEIPI Lecture Series, U. of Strasbourg (France) (2019)

Panelist, *The Role of the Courts in Patent Law & Policy*, U.C. Berkeley School of Law and Georgetown U. Law Center (2018)

*Patent Court Specialization, Administering Patent Law Symposium*, U. of Iowa College of Law's Innovation, Business, and Law Program (2018)

Panelist, 2018 Supreme Court IP Review, *WesternGeco v. ION Geophysical*, Chicago-Kent College of Law (2018)

*Innovation Nationalism*, International Association for the Advancement of Teaching and Research in IP 2018 Congress (2018)

Panelist, *Administrative Law of Intellectual Property*, Berkeley Law School's Center for Law & Technology Symposium (2018)

*Innovation Nationalism*, South Texas College of Law Houston Colloquium (2018)

Panelist, *Federal Circuit Symposium*, American U. Washington College of Law (2018)

Panelist, *International IP Law in a Post-TPP/TTIP, Post-Brexit World*, IP Section, AALS Annual Meeting (2018)

*Innovation Nationalism*, 4th Annual David and Ann Brennan IP Scholars Forum, U. of Akron School of Law's Center for IP Law & Technology (2017)

Invited speaker, *Intellectual Property and Global Development: 50 Years After Stockholm*, Texas A&M U. School of Law (2017)

*Patent Damages Without Borders*, U. of Hong Kong Faculty of Law (2017)

*Patent Damages Without Borders*, Singapore Management U. School of Law (2017)

Moderator, *Conference on Patent Damages*, U. of Texas at Austin School of Law (2017)

*Patent Damages Without Borders, Conference on Patent Damages*, U. of Texas at Austin School of Law (2016)

*Patent Damages Without Borders*, International Association for the Advancement of Teaching and Research in IP Congress (2016)

Panelist, *Zombie SOPA: A New Threat to the Open Internet*, South By Southwest Interactive Conference (2016)

Commentator, *Intellectual Property Exceptionalism in Administrative Law*, Duke U. School of Law Symposium (2016)

Panelist, *ITC and Digital Trade: The ClearCorrect Decision*, Cato Institute (2016)

*Patents and Digital Trade*, International Association for the Advancement of Teaching and Research in IP 2015 Congress (2015)

*Regulating Digital Trade*, U. of Houston Law Center Administrative Law Workshop (2015)

*Regulating Digital Trade*, U. of Illinois College of Law IP Colloquium (2015)

*Regulating Digital Trade*, Marquette IP Colloquium (2015)

*Myriad and the Future of Genetic Testing*, NUS Law School (Singapore) (2015)

Panelist, *The ITC: Stare Decisis and Administrative Deference* at American U. Washington College of Law's Annual Patent Administrative Law Symposium (2014)

*Public Law, Standing, and the Federal Circuit*, Hofstra IP Colloquium (2014)

*Gene Patents and Human Rights*, Whittier Law Review Symposium (2014)  
*Life, Liberty, and the Pursuit of Genetic Information*, Fall Speaker Series for the Cardozo IP & Information Law Program (2013)  
*The Impact of Gene Patents on Patient Liberty Interests*, U.S. Patent & Trademark Office Genetic Testing Roundtable (2013)  
*The Accidental Agency*, George Washington Law School's Intellectual Property Workshop Series (2012)  
*The Accidental Agency*, Michigan State U. IP Fall Speakers Series (2012)  
Panelist, *Patent Law in the 21st Century: Overhaul, Tweak, or Status Quo?* at the Southeastern Association of Law Schools 64th Annual Meeting (2011)  
*Expert Court, Expert Agency*, IP Colloquium Series, U. of Washington Law School (2010)  
Panelist, *An Uncomfortable Fit? Intellectual Property Policy and the Administrative State*, Southeastern Association of Law Schools 62nd Annual Meeting (2009)  
Panelist, *International Trade Commission*, 25th Annual Computer and High Technology Law Journal Symposium at the Santa Clara U. School of Law (2009)  
*The Other Patent Agency: Congressional Regulation of the ITC*, U. of Houston Law Center IPIL Colloquium (2008)  
*Irreconcilable Differences: The Role of the ITC in Patent Decisions*, Michigan State U. College of Law Junior Scholars in IP Law Workshop (2008)  
*Patent Landscape of Synthetic Biology*, Duke U. Synthetic Biology Workshop (2007)

## **ORGANIZED CONFERENCES AND WORKSHOPS**

2022 University of Houston IPIL National Conference, *Patent Law*  
2018 University of Houston IPIL National Conference, *Trademark Law*  
2017 University of Houston IPIL National Conference, *Patent Law and Progress*  
2015 Administrative Law Workshop, University of Houston Law Center  
2013 University of Houston IPIL National Conference, *Intellectual Property and Information Law in the Administrative State*

## **BAR ADMISSIONS**

United States Patent and Trademark Office (Registered Patent Attorney #70046)  
United States Court of Appeals for the Seventh Circuit  
United States District Court for the Northern District of Illinois  
Illinois State Bar

## **FOREIGN LANGUAGE SKILLS**

German: Advanced (C1.1)