

**LYNDA J. OSWALD**  
**LOUIS & MYRTLE MOSKOWITZ RESEARCH PROFESSOR OF BUSINESS & LAW**  
**PROFESSOR OF BUSINESS LAW**  
**CURRICULUM VITAE**

September 2024

**Stephen M. Ross School of Business**  
**University of Michigan**  
**701 Tappan Street**  
**Ann Arbor, MI 48109-1234**

**ljoswald@umich.edu**  
**Tel: (734) 763-9827**

**ACADEMIC AND PROFESSIONAL APPOINTMENTS:**

**The University of Michigan, Stephen M. Ross School of Business**

2016-present	Louis & Myrtle Moskowitz Research Professor of Business & Law
2021-2022	Interim Area Chair of Business Law
2013-2020	Area Chair of Business Law (on sabbatical leave, 2018-19)
2008-2011	Michael R. & Mary Kay Hallman Fellow
2001-2002	Louis & Myrtle Moskowitz Research Professor of Business & Law
2000-present	Professor of Business Law
1995-2000	Associate Professor of Business Law
1988-1995	Assistant Professor of Business Law

**Victoria University of Wellington, New Zealand**

March, 2019	Visiting Scholar
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**Peking University-Shenzhen, School of Transnational Law, Shenzhen, China**

Spring, 2015	Visiting Professor of Law
Fall, 2013	

**Johns Hopkins University, Hopkins-Nanjing Center for Chinese & American Studies, Nanjing, China**

2009-10	Visiting Professor of International Law
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**The University of Sydney, Economics and Business School, N.S.W., Australia**

Oct., 2006	Visiting Professor of Law
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**The University of Michigan Law School**

2004; 1999	Visiting Professor of Law
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**L'viv State University, L'viv, Ukraine**

May, 1994	Visiting Scholar
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**The University of Florida Law School**

1993-94	Assistant Professor of Law
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**China University of Political Science & Law, Beijing, China**  
April, 1993                      Visiting Assistant Professor of Law

**U.S. Court of Appeals for the Sixth Circuit**  
1986-87                      Judicial Clerk to the Honorable Cornelia G. Kennedy

## **RESEARCH EXPERTISE**

**INTELLECTUAL PROPERTY LAW**, especially patent and trade secret law, and impact of court specialization

**REAL PROPERTY LAW**, especially eminent domain, regulatory takings, and environmental liability issues

## **EDUCATION:**

PhD  
J.D. (cum laude); MBA; AB (Honors & Distinction)

THE UNIVERSITY OF LONDON  
THE UNIVERSITY OF MICHIGAN

## **PUBLICATIONS**

### **Articles**

*An Empirical Analysis of Permanent Injunction Life in Trade Secret Misappropriation Cases*, 109 IOWA LAW REVIEW 2185 (2024)

*Reprinted in Intellectual Property Law Review* (forthcoming 2024 ed.)

*Is Legal Harmonization Always Better? The Counter-Case of Utility Models* (with D. Cahoy), 58 AMERICAN BUSINESS LAW JOURNAL 525 (2021).

*The Role of "Commercial Morality" in Trade Secret Doctrine*, 96 NOTRE DAME LAW REVIEW 125 (2020).

*A Serendipitous Experiment in Percolation of Intellectual Property Doctrine* (with D. Cahoy), 95 INDIANA LAW JOURNAL 39-86 (2020).

*Complexity and Idiosyncrasy at the Federal Circuit* (with D. Cahoy), 19 COLUMBIA SCIENCE AND TECHNOLOGY LAW REVIEW 216-46 (2018).

*Improving Federal Circuit Doctrine through Increased Cross-Pollination*, 54 AMERICAN BUSINESS LAW JOURNAL 247-92 (2017).

*The "Strict Liability" of Direct Patent Infringement*, 19 VANDERBILT JOURNAL OF ENTERTAINMENT & TECHNOLOGY LAW 993-1025 (2017).

- The Divergence of Corporate Officer Liability Doctrine Under Patent and Copyright Law*, 52 AMERICAN BUSINESS LAW JOURNAL 557-619 (2015).
- Simplifying Multi-Actor Patent Infringement Cases through Proper Application of Common Law Doctrine*, 51 AMERICAN BUSINESS LAW JOURNAL 1-69 (2014).
- The Role of Deference in Judicial Review of Public Use Determinations*, 39 BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW 243-281 (2012).
- The Evolving Role of Opinions of Patent Counsel in Federal Circuit Cases*, 52 IDEA: THE INTELLECTUAL PROPERTY LAW REVIEW 1-29 (2012).
- Necessity as a Check on State Eminent Domain Power* (with Robert C. Bird), 12 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 99-141 (2009).
- International Issues in Secondary Liability for Intellectual Property Rights Infringement*, 45 AMERICAN BUSINESS LAW JOURNAL 247-282 (2008).
- Scary Stories and the Limited Liability Polluter in Chapter 11* (with A. Lawton), 65 WASHINGTON & LEE LAW REVIEW 451-537 (2008).
- When is a "Non-Use" a "Public Use"? Sinister Schemes, Improper Motives and Bad Faith in Eminent Domain Actions*, 35 BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW 45-76 (2008).
- Reprinted in* EMINENT DOMAIN: USE OR ABUSE? (ICFAI Law Books Division 2008).
- Reprinted in* 2009 ZONING AND PLANNING LAW HANDBOOK 307-344 (Patricia E. Salkin, ed.).
- Can a Condemnee Regain Its Property if the Condemnor Abandons the Public Use?*, 39 URBAN LAWYER 671-80 (2007).
- The Intent Element of "Inducement to Infringe" Under Patent Law: Reflections on Grokster*, 13 MICHIGAN TELECOMMUNICATIONS AND TECHNOLOGY LAW REVIEW 225-246 (2006).
- Reprinted in* PATENT INFRINGEMENT: DISPUTES AND REMEDIAL OPTIONS 57-82 (C. Sri Krishna, ed., Icfai University Press, 2007).
- Statutory and Judicial Approaches to Gray Market Goods: The "Material Differences" Standard*, 95 KENTUCKY LAW JOURNAL 107-144 (2006-2007).
- Should Evidence of Environmental Contamination Be Admitted in Eminent Domain Valuation Proceedings?*, 35 ENVIRONMENTAL LAW REPORTER 10465-10473 (2005).
- When is a Name Not a Name? Descriptive Versus Suggestive Marks*, 33 JOURNAL OF THE ACADEMY OF MARKETING SCIENCE 117-118 (Winter 2004-05).

- Challenging the Registration of Scandalous and Disparaging Marks Under the Lanham Act: Who Has Standing to Sue?* 41 AMERICAN BUSINESS LAW JOURNAL 251-312 (2004).
- The Personal Liability of Corporate Officers for Patent Infringement*, 44 IDEA: THE JOURNAL OF LAW AND TECHNOLOGY 115-46 (2003).
- Property Rights Legislation and the Police Power*. 37 AMERICAN BUSINESS LAW JOURNAL 527-62 (2000).
- "Tarnishment" and "Blurring" Under the Federal Dilution Act of 1995*. 36 AMERICAN BUSINESS LAW JOURNAL 255-300 (1999).
- Shareholders v. Stakeholders: Evaluating Constituency Statutes Under the Takings Clause*, 24 IOWA JOURNAL OF CORPORATION LAW 1-28 (1998).
- The Role of the "Harm/Benefit" and "Average Reciprocity of Advantage" Rules in a Comprehensive Takings Analysis*. 50 VANDERBILT LAW REVIEW 1449-1524 (1997).
- Cornering the Quark: Investment-Backed Expectations and Economically Viable Uses in Takings Analysis*. 70 WASHINGTON LAW REVIEW 91-151(1995).
- Reprinted in* 27 LAND USE AND ENVIRONMENT LAW REVIEW 185 (1996).
- New Directions in Joint and Several Liability Under CERCLA*. 28 UNIVERSITY OF CALIFORNIA AT DAVIS LAW REVIEW 299-365 (1995).
- Bifurcation of Owner and Operator Analysis Under CERCLA: Finding Order in the Chaos of Pervasive Control*. 72 WASHINGTON UNIVERSITY LAW QUARTERLY 223-286 (1994).
- Strict Liability of Individuals Under CERCLA: A Normative Analysis*. 20 BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW 579-637 (1993).
- Reprinted in* 35 CORPORATE PRACTICE COMMENTATOR 673-732 (1994).
- CERCLA and the "Erosion" of Corporate Law Doctrine* (with C. Schipani). 86 NORTHWESTERN UNIVERSITY LAW REVIEW 259-330 (1992).
- Reprinted in* THE CORPORATE SECRETARY'S GUIDE ¶ 48, 205 (CCH 1992).
- Goodwill and Going-Concern Value: Emerging Factors in the Just Compensation Equation*. 32 BOSTON COLLEGE LAW REVIEW 283-376 (1991).
- Extended Voluntary Departure: Limiting the Attorney General's Discretion in Immigration Matters*. 85 MICHIGAN LAW REVIEW 152-190 (1986).
- Unitary Taxation and Foreign Parent Corporations: A Commerce Clause Analysis*. 11 MICHIGAN TAX LAW JOURNAL 15-30 (July-Sept. 1985).

## **Op-Eds and Other Publications**

*The 50<sup>th</sup> Anniversary of E.I. DuPont deNemours & Co. v. Christopher*, INNOVATE, Apr. 20, 2020, <https://www.aipla.org/innovate>

*What do Cheerleader Costumes and Smart Phones Have in Common?* THE CONVERSATION, Oct. 31, 2016, <http://theconversation.com/what-do-cheerleader-uniforms-and-smartphones-have-in-common-67500> (with Daniel R. Cahoy)

*Are Trade Secrets a Weak Link in Your Supply Chain?*, 27 INSIDE SUPPLY MANAGEMENT 10-11 (Jan.-Feb. 2016) (with Daniel R. Cahoy).

Akamai: *Is the Answer in the Common Law?*, PATENTLY-O (June 15, 2014), <http://patentlyo.com/patent/2014/06/akamai-answer-common.html>

*Reprinted in* 3 NTUT J. OF INTELL. PROP. L. & MGMT. 184-187 (2014).

*Liability for Inducement of Infringement Under the Patent Act*, Prepared for Law Seminars International, 16th Annual Seattle Conference on New Developments in Technology Law (Dec. 14, 2007).

*The Seller's Common-Law Duty to Disclose Off-Site Environmental Contamination*. 30 REAL ESTATE LAW JOURNAL 155-161 (2001).

*At the Intersection of Environmental Law and Nuisance Law: Do Right-to-Farm Laws Result in Regulatory Takings?* 30 REAL ESTATE LAW JOURNAL 69-76 (2001).

*The Supreme Court's Rejection of the "Migratory Bird Rule."* 29 REAL ESTATE LAW JOURNAL 358-362 (2001).

*Regulation of Wetlands: "Sidecasting" and "Incidental Fallback" Under the CWA*. 29 REAL ESTATE LAW JOURNAL 246-255 (2001).

*Asarco Inc. v. Department of Ecology: Finally, A Successful Challenge to Retroactive Cleanup Liability Under Eastern Enterprises*. 29 REAL ESTATE LAW JOURNAL 53-65 (2000).

*Liability Standards for CERCLA Contribution Suits: Joint or Several Liability?* 28 REAL ESTATE LAW JOURNAL 359-367 (2000).

*Insurance Coverage for Environmental Liability: Is an Administrative Proceeding a "Suit"?* 28 REAL ESTATE LAW JOURNAL 252-258 (2000).

*Stigma Damages in Environmental Contamination Cases*. 28 REAL ESTATE LAW JOURNAL 177-183 (1999).

*Recent CERCLA Developments in the Courts: Operator and Arranger Liability*. 28 REAL ESTATE LAW JOURNAL 75-81 (1999).

*Case of First Impression: Eleventh Circuit Rules on the Liability of Limited Partnerships Under CERCLA.* ENVIRONMENT AND BUSINESS NEWSLETTER, Vol. 2, No. 1, March, 1997.

*Multinational Corporations' Responses to Environmental Risks in Transitional Economies.*  
ENVIRONMENT AND BUSINESS NEWSLETTER, Vol. 1, No. 2, Sept., 1996.

### **Symposium**

*21st Century Copyright Law in the Digital Domain Symposium Transcript*, 13 MICHIGAN TELECOMMUNICATIONS AND TECHNOLOGY LAW REVIEW 247-330 (2006).

### **Books**

MANAGING THE LEGAL NEXUS BETWEEN INTELLECTUAL PROPERTY AND EMPLOYEES: DOMESTIC AND GLOBAL CONTEXTS, LYNDA J. OSWALD & MARISA A. PAGNATTARO, EDS., (Edward Elgar Publishing, Inc., 2015).

THE CHANGING FACE OF AMERICAN PATENT LAW AND ITS IMPACT ON BUSINESS STRATEGY, DANIEL C. CAHOY & LYNDA J. OSWALD, EDS., (Edward Elgar Publishing, Inc., 2013).

THE LAW OF MARKETING (West 2002)  
(2d ed. Cengage 2011).

### **Book Chapters**

*Navigating Incomplete Harmonization: Businesses and the Utility Model Environment* (with Daniel Cahoy), in JORGE L. CONTRERAS, ED., SUB-PATENT INNOVATION RIGHTS: UTILITY MODELS, PETTY PATENTS AND INNOVATION PATENTS AROUND THE WORLD 329-343 (Cambridge University Press forthcoming 2024).

*Overview of Worldwide Utility Model Filings, Litigation and Activity* (with Daniel Cahoy & Jorge Contreras), in JORGE L. CONTRERAS, ED., SUB-PATENT INNOVATION RIGHTS: UTILITY MODELS, PETTY PATENTS AND INNOVATION PATENTS AROUND THE WORLD 19-28 (Cambridge University Press forthcoming 2024).

*The Individual Liability of Corporate Officers Under Patent and Copyright Law* in LYNDA J. OSWALD & MARISA A. PAGNATTARO, EDS., MANAGING THE LEGAL NEXUS BETWEEN INTELLECTUAL PROPERTY AND EMPLOYEES: DOMESTIC AND GLOBAL CONTEXTS 15-43 (Edward Elgar Publishing, 2015).

*Unintended Hazards of a Specialized Patent Court: Lessons from Joint Infringement Doctrine* in DANIEL CAHOY & LYNDA J. OSWALD, EDS., THE CHANGING FACE OF AMERICAN PATENT LAW AND ITS IMPACT ON BUSINESS STRATEGY 131-158 (Edward Elgar Publishing, 2013).

*Secondary Liability for Intellectual Property Law Infringement in the International Arena: Framing the Dialogue*, in ROBERT C. BIRD & SUBHASH C. JAIN, EDS., INTERNATIONAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS 37 (Edward Elgar Publishing, Inc. 2009).

*Property Rights Legislation and the Police Power*. In 2001 ZONING AND PLANNING LAW HANDBOOK 191-231 (2001).

*Corporate Parent Liability for Environmental Violations of the Subsidiary*. In PROTECTING THE CORPORATE PARENT 1993: AVOIDING LIABILITY FOR ACTS OF THE SUBSIDIARY 241-269 (1993).

*Corporate Parent Responsibility for Environmental Liability of the Subsidiary*. In PROTECTING THE CORPORATE PARENT 1992: AVOIDING LIABILITY FOR ACTS OF THE SUBSIDIARY 107-137 (1992).

### **Book Reviews**

Book Review, ENVIRONMENT AND BUSINESS NEWSLETTER, Vol. 3, No. 2 (Aug. 1998) (reviewing *The Newtown Story: One Community's Fight for Environmental Justice*).

Book Review, 11 JOURNAL OF LEGAL STUDIES EDUCATION 285-95 (1993) (reviewing G. Richard Hill, ed., *Regulatory Taking: The Limits of Land Use Controls*).

Book Notice, 84 MICHIGAN LAW REVIEW 801 (1986) (reviewing D. Bodenhamer & J. Ely, Jr., eds., *Ambivalent Legacy: A Legal History of the South*).

Book Notice, 82 MICHIGAN LAW REVIEW 905 (1984) (reviewing F. Kirgis, Jr., *Prior Consultation in International Law: A Study of State Practice*).

### **Pedagogical Materials**

Perspectives on Teaching (invited essay), 28 JOURNAL OF LEGAL STUDIES EDUCATION 143-148 (2010).

*Multinational Corporations' Responses to Environmental Risks in Transitional Economies*, ENVIRONMENT AND BUSINESS NEWSLETTER, Vol. 1, No. 2, Sept. 1996.

*Reprinted in* LAURA PINCUS, PERSPECTIVES IN BUSINESS ETHICS (1997).

*and reprinted in* TONY MCADAMS, LAW, BUSINESS, AND SOCIETY (1998).

*Teaching the Doctrine of Precedent Through Simulations* (with A. Lawton). 13 JOURNAL OF LEGAL STUDIES EDUCATION 121-46 (1995).

*The Use of Simulated Hearings in Business Law Courses* (with A. Lawton). 11 JOURNAL OF LEGAL STUDIES EDUCATION 103-26 (1993).

Holly A. Lynch & Lynda J. Oswald, *Pollution Prevention: An Introduction for Law Teachers* (National Pollution Prevention Center, 1993).

Holly A. Lynch, Lynda Oswald & Elaine Murphy, *Annotated Bibliography of Law-Related Pollution Prevention Sources* (National Pollution Prevention Center, 1993).

Holly A. Lynch & Lynda J. Oswald, *Pollution Prevention: A Primer for Law Teachers* (National Pollution Prevention Center, 1993).

### **Refereed Conference Proceedings**

*The Evolving Role of Opinions of Patent Counsel in Federal Circuit Cases.* ACADEMY OF LEGAL STUDIES IN BUSINESS ANNUAL PROCEEDINGS, 2011.

*Challenging the Registration of Scandalous and Disparaging Marks Under the Lanham Act: Who Has Standing to Sue?* ACADEMY OF LEGAL STUDIES IN BUSINESS ANNUAL PROCEEDINGS, 2003.

*The "Material Differences" Standard and Gray Market Goods.* PACIFIC SOUTHWEST ACADEMY OF LEGAL STUDIES IN BUSINESS CONFERENCE PROCEEDINGS, 2002.

*Gray Market Goods and the Lanham Act: Understanding the "Material Differences" Standard in the Context of "Customer Confusion."* TRI-STATE REGIONAL BUSINESS LAW ASSOCIATION PROCEEDINGS, 2001.

*Too Much and Yet Too Little: Property Rights Legislation and the Police Power.* PAPERS OF THE ACADEMY OF LEGAL STUDIES IN BUSINESS ANNUAL PROCEEDINGS, 1999.

*"Tarnishment" and "Blurring" Under the Federal Trademark Dilution Act of 1995.* PAPERS OF THE ACADEMY OF LEGAL STUDIES IN BUSINESS ANNUAL PROCEEDINGS, 1998.

*When Property "Interests" Are Not Property "Rights".* PAPERS OF THE ACADEMY OF LEGAL STUDIES IN BUSINESS ANNUAL PROCEEDINGS, 1997.

*Shareholders vs. Stakeholders: Evaluating Constituency Statutes Under the Takings Clause.* PAPERS OF THE ACADEMY OF LEGAL STUDIES IN BUSINESS ANNUAL PROCEEDINGS, 1996.

*"Average Reciprocity of Advantage" and Takings Analysis.* NORTHEAST DECISION SCIENCES INSTITUTE 1996 PROCEEDINGS.

*The Role of the Harm/Benefit Test in Takings Analysis.* PAPERS OF THE ACADEMY OF LEGAL STUDIES IN BUSINESS ANNUAL PROCEEDINGS, 1995.

*Managing in the Context of Environmental Legal Uncertainty.* TRI-STATE REGIONAL BUSINESS LAW ASSOCIATION PROCEEDINGS, 1994.



*New Directions in Joint and Several Liability Under CERCLA.* PAPERS OF THE ACADEMY OF LEGAL STUDIES IN BUSINESS ANNUAL PROCEEDINGS, 1994.

*Owner and Operator Liability Under CERCLA: Refining the Analysis.* MIDWEST BUSINESS LAW ASSOCIATION ANNUAL PROCEEDINGS, 1993.

*Regulatory Takings: The Economic Tests.* PAPERS OF THE ACADEMY OF LEGAL STUDIES IN BUSINESS NATIONAL PROCEEDINGS, 1992.

*Strict Liability of Individual Shareholders Under CERCLA: A Normative Analysis.* TRI-STATE REGIONAL BUSINESS LAW ASSOCIATION PROCEEDINGS, 1992.

*Liability of Corporate Officers Under CERCLA: A Normative Analysis.* MIDWEST BUSINESS LAW ASSOCIATION ANNUAL PROCEEDINGS, 1992.

*Liability of Shareholders and Parent Corporations Under CERCLA* (with C. Schipani). PAPERS OF THE AMERICAN BUSINESS LAW ASSOCIATION NATIONAL PROCEEDINGS, 1991.

*Corporate Liability Under the Environmental Legislation: Has It Gotten Personal?* (with C. Schipani). PROCEEDINGS OF THE WESTERN DECISION SCIENCES INSTITUTE ANNUAL MEETING, 1991.

*Environmental Law and the 'Erosion' of Corporate Law Doctrine* (with C. Schipani). PAPERS OF THE AMERICAN BUSINESS LAW ASSOCIATION NATIONAL PROCEEDINGS, 1990.

*Rethinking the Business Losses Rule: Judicial Reforms.* TRI-STATE REGIONAL BUSINESS LAW ASSOCIATION PROCEEDINGS, 1990.

## **WORKING PAPERS AND WORKS IN PROGRESS**

An Empirical Analysis of Tarnishment and Blurring Under Federal Dilution Law (work in progress)

Trade Secret Ownership and the Employed Inventor in the Modern Era (working paper)

Special Protections for Small Businesses in Intellectual Property Law (work in progress)

## **SELECTED PRESENTATIONS AND OTHER PROFESSIONAL ACTIVITIES**

### **Invited Presentations:**

Academy of Legal Studies in Business, August, 2024. Invited panel discussant on "Defending the Discipline in Challenging Academic Environments."

Academy of Legal Studies in Business, August, 2024, Invited panel discussant on  
“Authoring and Editing Scholarly Books.”

Academy of Legal Studies in Business, August, 2022. Invited finalist in Charles M.  
Hewitt / McGraw Hill Master Teacher Competition. Presented “Introducing IP Law  
Through the Use of Narratives, Props, and Audio/Visual Examples.”

Academy of Legal Studies in Business, August, 2019. Invited panel discussant on  
“Negotiating Law Journal Publication Contracts.”

Academy of Legal Studies in Business, August, 2018. Invited discussant at the *American  
Business Law Journal* Invited Scholars Colloquium.

Academy of Legal Studies in Business, August, 2018. Invited panel discussant on  
“Ensuring Rigor in Travel Study Courses.”

Academy of Legal Studies in Business, August, 2017. Invited panel discussant on “How  
to Be a Great ABLJ Reviewer and Author.”

Academy of Legal Studies in Business, August, 2016. Invited panel discussant on  
“Ideas and Initiatives for Promoting Diversity in Business Schools.”

Hurst Seminar, University of Florida, February, 2016. Presented “The Strict Liability of  
Direct Patent Infringement.”

Big 10 & Friends Research Seminar, January, 2016. Presented “The Strict Liability of  
Direct Patent Infringement.”

Remnin University, Beijing, China, December, 2012. Presented “The Impact of  
Specialized Intellectual Property Law Courts on Corporate Activities: Lessons for  
the Federal Circuit’s Joint Infringement Doctrine.”

University of Michigan Law School, Intellectual Property Law Seminar, March, 2012.  
Presented “Joint Infringement in Patent Law.”

Academy of Legal Studies in Business, August, 2008. Invited panel discussant on  
“Teaching Intellectual Property Law in a Marketing Course.”

Hurst Seminar, University of Florida, January, 2008. Presented “Beyond Public Use: The  
Revival of the Dormant Necessity Doctrine as a Check on Eminent Domain  
Power.” (with Robert Bird)

Law Seminars International, *16th Annual Seattle Conference on New Developments in  
Technology Law: New Regulations, Litigation Trends and Emerging Markets*,  
Dec. 2007. Invited Panelist on “A Big Year for Patent Law Developments: Key  
Changes followed by a Discussion of the Implications for Technology and  
Internet Companies.”

CIBER Conference on *The Global Challenge of Intellectual Property Rights*, University of Connecticut, May 2007. Invited Participant. Presented "Secondary Liability for Intellectual Property Law Infringement in the International Arena."

University of Sydney Business School, October, 2006. Presentation on "The Role of Law in the Business School."

Michigan Telecommunications and Technology Law Review, *Symposium on 21st Century Copyright Law in the Digital Domain*, April, 2006. Invited Panelist on "International Issues in Digital Copyright Law."

Academy of Legal Studies in Business, August, 2005. Invited Workshop Presenter on "Teaching Intellectual Property and Technology Law".

Ford Business Lecture, Alma College, November, 2004. Invited speaker on "Challenging the Federal Registration of Scandalous and Disparaging Trademarks. Who Can Sue?"

Rocky Mountain Land Use Institute Annual Conference, April, 2001. Invited moderator on "Ethics Considerations for Public Officials, Lawyers, and Planners."

Hurst Seminar, University of Florida, February, 2001. Invited participant. Presented "Scandalous and Disparaging Trademarks: Who Decides and How?"

Rocky Mountain Land Use Institute Annual Conference, March, 2000. Invited moderator on "State and Local Land Use Laws."

Rocky Mountain Land Use Institute and ABA State and Local Government Law Section, June, 1999. Invited Participant in "Takings Retreat."

University of Oregon Law School, 1997 Public Interest Environmental Law Conference, March, 1997. Invited Speaker on "Piercing the Corporate Veil for Environmental Liability."

Hurst Seminar, University of Florida, February, 1997. Invited Participant. Presented "Shareholders v. Stakeholders: Evaluating Constituency Statutes Under the Takings Clause."

Dolibois Lecture, Miami University, November, 1996. Presented "Shareholders v. Stakeholders: Evaluating Constituency Statutes Under the Takings Clause."

Academy of Legal Studies in Business, August, 1995. Invited Speaker at the ALSB Research Consortium.

Academy of Legal Studies in Business, August, 1994. Invited Speaker at the ALSB Research Consortium.

American Association of Law Schools, Section on Natural Resource Law Program on "External Threats to National Preservation Areas: The Case of Everglades National Park," January, 1994. Environmental Law Commentator.

"Corporations and the Environment," Professional Development Series, Bowling Green State University, Graduate School of Business Administration, October, 1994.  
Panel Member on Pollution Prevention and the Law.

### **Conference and Colloquium Presentations:**

Academy of Legal Studies in Business, August 2021. Presented "Calculating Permanent Injunction Life in Trade Secret Misappropriation Cases."

Academy of Legal Studies in Business, August, 2020. Presented "Special Protections for Small Businesses in Intellectual Property Law."

Intellectual Property Scholars Conference, August, 2020. Presented "Why Harmonize? The Counter-case of Utility Models" (with Daniel Cahoy).

European Policy for Intellectual Property, Annual Conference (Zurich), September 2019. Presented "The Role of 'Commercial Morality' in Trade Secret Doctrine."

Academy of Legal Studies in Business, August, 2019. Presented "Why Harmonize? The Counter-Case of Second-Tier Patent Rights" (with Daniel R. Cahoy).

Academy of Legal Studies in Business, August, 2019. Presented "The Role of 'Commercial Morality' in Modern Trade Secret Doctrine."

European Policy for Intellectual Property, Annual Conference (Berlin), September 2018. Presented "A Serendipitous Experiment in Percolation of Intellectual Property Doctrine" (co-authored with Daniel R. Cahoy).

Academy of Legal Studies in Business, August, 2018. Presented "A Serendipitous Experiment in Percolation of Intellectual Property Doctrine" (with Daniel R. Cahoy).

Society of Legal Scholars (Dublin, Ireland), September, 2017. Presented 'Nuanced Diversity or Obscure Disunity? The Impact of Court Specialization on the Vocabulary of Patent Doctrine' (with Daniel R. Cahoy).

Academy of Legal Studies in Business, August, 2017. Presented "Nuanced or Obscure? The Impact of Court Specialization on the Vocabulary of U.S. Patent Doctrine" (with Daniel R. Cahoy).

Dark Sides of the Law in Common Law Countries, International and Interdisciplinary Conference, Panthéon-Assas University (Paris, France), June 2017. Presenting "Nuanced or Obscure? The Impact of Court Specialization on the Vocabulary of U.S. Patent Doctrine" (with Daniel R. Cahoy).

Academy of Legal Studies in Business, August, 2016. Presented "Improving Federal Circuit Doctrine Through Increased Cross-Pollination."

- Property Law Teachers Colloquium (South Africa), October, 2014. Presented "When Property Interests are not Property Rights."
- European Policy for Intellectual Property, Annual Conference (Brussels), September 2014. Presented "The (Mis)Application of Strict Liability by the Federal Circuit: Implications for Specialized Patent Courts."
- Academy of Legal Studies in Business, August, 2014. Presented "Holding Corporate Officers Strictly Liable Under Patent and Copyright Law."
- Academy of Legal Studies in Business, August, 2014. Panel Discussant, "Managing the Legal Nexus Between Intellectual Property and Employees."
- Colloquium on *Managing the Legal Nexus Between Intellectual Property and Employees: Domestic and Global Contexts*, April, 2014. Presented "Comparing Personal Liability of Corporate Officers Under Patent and Copyright Law: The Problems of Strict Liability."
- Academy of Legal Studies in Business, August, 2013. Presented "Simplifying Multi-Actor Patent Infringement Cases through Proper Application of Common Law Doctrine."
- Academy of Legal Studies in Business, August, 2013. Panel Chair on "Symposia, Colloquia, and Workshops: Models for Increasing Research Fora in the Academy."
- Academy of Legal Studies in Business, August, 2013. Invited Panel Participant on "Intellectual Property Strategic Behavior: Have Patent Trolls Finally Met their Waterloo?"
- European Policy for Intellectual Property, Annual Conference, (University of Leuven, Belgium), September 2012. Presented "Unintended Hazards of a Specialized Patent Court."
- Colloquium on *The Changing Face of American Patent law and Its Impact on Business Strategy*, May, 2012. Presented "Unexpected Risks of a Specialized Patent Court: Lessons from Joint Infringement Doctrine."
- Academy of Legal Studies in Business, August, 2011. Presented "The Evolving Role of Opinions of Patent Counsel in Federal Circuit Cases."
- Northeast Decision Sciences Institute, April, 2011. Presented "The Evolving Role of Opinions of Counsel in Patent Cases."
- Association for Law, Property and Society, March, 2011. Presented Paper entitled "Judicial Deference in Eminent Domain Cases."
- International Property Law Conference, University of South Africa, October, 2010. Presented Paper entitled "Judicial Deference in Eminent Domain Cases."

International Decisions Sciences Institute, Nancy France, June, 2009. Presented Paper entitled "Necessity as a Check on State Eminent Domain" (co-authored with Robert C. Bird).

Southern Academy of Legal Studies in Business, March, 2006. Presented Paper entitled "Inducement to Infringe' and 'Vicarious Liability' in the Copyright Context: Implications for Patent Law."

Academy of Legal Studies in Business, August, 2005. Panel Co-Chair on "Legal Scholarship."

Academy of Legal Studies in Business, August, 2005. Presented "When is a 'Non-Use' a 'Public Use'? 'Sinister Schemes', Improper Motives and Bad Faith in Eminent Domain Actions."

Pacific Southwest Academy of Legal Studies in Business, February, 2005. Presented "When Is A 'Non-use' a 'Public Use'?"

Academy of Legal Studies in Business, August, 2004. Presented "The Impact of Environmental Contamination on Just Compensation."

Midwest Academy of Legal Studies in Business, March, 2004. Presented "Gray Market Goods and the Lanham Act: Understanding the 'Material Differences' Standard in the Context of 'Customer Confusion'."

Southeast Academy of Legal Studies in Business, October, 2003. Presented "Gray Market Goods and the Lanham Act: Understanding the 'Material Differences' Standard in the Context of 'Customer Confusion'."

Academy of Legal Studies in Business, August, 2003. Panel discussant on "Publishing in Competitive Law Reviews: A How-to Guide."

Pacific Southwest Academy of Legal Studies in Business, February, 2003. Presented "Challenging Scandalous and Disparaging Marks under the Lanham Act: Standing to Sue."

Academy of Legal Studies in Business, August, 2001. Panel Discussant on "Teaching Marketing Law: Texts, Ethics, and Technology."

Academy of Legal Studies in Business, August, 1999. Panel Discussant on "E-commerce and Cyberlaw."

Academy of Legal Studies in Business, August, 1998. Panel Discussant on "E-commerce."

Tri-State Regional Business Law Association, November, 1997. Presented "Rethinking Property Rights Legislation."

Academy of Legal Studies in Business, August, 1997. Panel Discussant on "Environmental Law Research."

Academy of Legal Studies in Business, August, 1997. Panel Discussant on "Teaching Technology Law."

Institute of Business and Technology, London, England, July, 1997. Presented "The Liability of Limited Partnerships under CERCLA."

Midwest Business Law Association, March, 1997. Presented "The Liability of Limited Partnerships Under CERCLA."

Academy of Legal Studies in Business, August, 1996. Panel Discussant on "Teaching Environmental Law."

Greening of Industry Network Third Annual International Research Conference, Copenhagen, Denmark, November, 1994. Presented "Managing in the Context of Environmental Legal Uncertainty: Lessons from Poland and the Czech Republic."

Academy of Legal Studies in Business, August, 1994. Presented "Teaching Pollution Prevention in Business Law."

Midwest Business Law Association, April, 1991. Presented "The Use of Simulations in Business Law Courses" (with A. Lawton).

Midwest Business Law Association, March, 1990. Presented "Director and Shareholder Liability Exposure for Environmental Hazards" (with C. Schipani).

Tri-State Regional Business Law Association, April, 1989. Presented "Application of the ITC At-Risk Limitation to the Rehabilitation Tax Credit."

## **COLLOQUIA AND CONFERENCES ORGANIZED**

Colloquium, "Managing the Legal Nexus Between Intellectual Property and Employees: Domestic and Global Contexts," held at Ross Business School, April, 2014 (co-hosted with Prof. Marisa A. Pagnattaro).

Colloquium, "The Changing Face of American Patent Law and its Impact on Business Strategy", held at Ross Business School, May, 2012. (co-hosted with Prof. Daniel C. Cahoy).

Annual Conference, Academy of Legal Studies in Business, St. Petersburg, FL, August, 2005 (program chair).

Annual Conference, Midwest Academy of Legal Studies in Business, Chicago, IL, March, 1998 (program chair).

## SCHOLARLY AWARDS AND HONORS

2022-23 Charles M. Hewitt / McGrawHill Master Teacher, Academy of Legal Studies in Business, 2022

Distinguished Career Achievement Faculty Award, Academy of Legal Studies in Business, 2020

Holmes-Cardozo Award, Finalist for Best Conference Paper, 2016 (awarded for *Improving Federal Circuit Doctrine through Increased Cross-Pollination*)

Holmes-Cardozo Award, Finalist for Best Conference Paper, 2014 (awarded for *Holding Corporate Officers Strictly Liable Under Patent and Copyright Law*)

Holmes-Cardozo Award for Best Submitted Conference Paper, 2013  
(awarded for *Simplifying Multi-Actor Patent Infringement Cases through Proper Application of Common Law Doctrine*)

Kay Duffy Outstanding Service Award, Academy of Legal Studies in Business, 2008

2005 Hoeber Memorial Award for Excellence in Research in Volumes 40 & 41 of the American Business Law Journal  
(awarded for *Challenging the Registration of Scandalous and Disparaging Marks under the Lanham Act: Who Has Standing to Sue?*)

Holmes-Cardozo Award for Excellence in Research, 2003  
(awarded for *Challenging the Registration of Scandalous and Disparaging Marks under The Lanham Act: Who Has Standing to Sue?*)

Distinguished Proceedings Paper Award, Academy of Legal Studies in Business, 2003  
(awarded for *Challenging the Registration of Scandalous and Disparaging Marks Under the Lanham Act: Who Has Standing to Sue?*)

Outstanding Paper Award – Runner-up, Tri-State Regional Business Law Association, 2001  
(awarded for *Gray Market Goods and the Lanham Act: Understanding the "Material Differences" Standard in the Context of Customer Confusion*)

Distinguished Proceedings Paper Award, Academy of Legal Studies in Business, 2001  
(awarded for *Personal Liability of Corporate Officers for Patent Infringement: Chaos in the Federal Circuit*)

Holmes-Cardozo Award for Excellence in Research, Runner-up, American Business Law Journal, 1999 (awarded for *Too Much and Yet Too Little: Property Rights Legislation and the Police Power*)

Distinguished Proceedings Paper Award, Academy of Legal Studies in Business, 1998  
(awarded for *"Tarnishment" and "Blurring" Under the Federal Trademark Dilution Act of 1995*)



Midwest Business Law Association's 1994-96 Best Article Published in Any Source Award (awarded for *Cornering the Quark: Investment-Backed Expectations and Economically Viable Uses in Takings Analysis*, 70 WASHINGTON LAW REVIEW 91-151 (1995))

Distinguished Proceedings Paper Award, Academy of Legal Studies in Business, 1995 (awarded for *The Role of the Harm/Benefit Test in Takings Analysis*)

Outstanding Proceedings Paper, Academy of Legal Studies in Business, 1994 (awarded for *New Directions in Joint and Several Liability Under CERCLA*)

Eugene B. Power Junior Faculty Award for Early Career Achievement, University of Michigan School of Business Administration, 1994

Midwest Business Law Association's 1994 Best Article Published in Any Source Award (awarded for *Strict Liability of Individuals Under CERCLA: A Normative Analysis*, 20 ENVIRONMENTAL AFFAIRS LAW REVIEW 579 (1993))

Distinguished Paper Award, Midwest Business Administration Association, 1994 (awarded for *Cornering the Quark: Investment-Backed Expectations, Economically Viable Uses, and Harm-Benefit in Takings Analysis*)

Midwest Business Law Association's 1993 Best Article Published in Any Source Award (with C. Schipani) (awarded for *CERCLA and the "Erosion" of Corporate Law Doctrine*, 86 NORTHWESTERN UNIVERSITY LAW REVIEW 259 (1992)).

Distinguished Proceedings Paper Award, Academy of Legal Studies in Business, 1992 (awarded for *Regulatory Takings: The Economic Tests*)

Midwest Business Law Association's 1992 Best Article Published in Any Source Award (awarded for *Goodwill and Going-Concern Value: Emerging Factors in the Just Compensation Equation*, 32 BOSTON COLLEGE LAW REVIEW 283 (1991))

Best Paper Award, Public Policy and Business Law Track, Western Decision Sciences Institute, 1991 (with C. Schipani) (awarded for *Corporate Liability Under the Environmental Legislation: Has It Gotten Personal?*)

Outstanding Paper Award, Tri-State Regional Business Law Association, 1990 (awarded for *Rethinking the Business Losses Rule: Judicial Reforms*)

Winner, 1986 Ackerman Land Use Law Award (awarded for *Temporary Regulatory Takings*)

Winner, 1986 Young Lawyers Section of State Bar of Michigan Writing Competition (awarded for *American Indian Religious Freedom: AIRFA and the Free Exercise Clause*)

Winner, 1985 Michigan Taxation Section Essay Contest (awarded for *Unitary Taxation and Foreign Parent Corporations: A Commerce Clause Analysis*)

## COURSES TAUGHT

### Business School:

Intellectual Property Law (graduate)  
Business Law and Ethics (graduate; online; IP module)  
Multi-Disciplinary Action Projects (MAP) (graduate; faculty advisor)  
Intellectual Property Law in the Global Context Travel Study Course  
(undergraduate; Italy & South Africa)  
Business Law & Ethics (online MBA program; intellectual property law modules)  
Law of Marketing (graduate)  
Management of Environmental Legal Issues (graduate)  
Legal Environment of Business (graduate and undergraduate)  
Real Estate Law (graduate and undergraduate)  
Legal Strategies for IPR Protection in China (graduate)

### Law School:

Environmental Regulation of Real Property  
Property  
Trusts and Estates

### International/Executive:

Peking University-Shenzhen, School of Transnational Law: *Intellectual Property Law*  
Hopkins-Nanjing Center: *Intellectual Property Law; The U.S. Legal System; The Legal Environment of Business; Property Law and Theory*  
MBA Essentials and Entrepreneurship Program, *Intellectual Property Law and Choice of Entity*  
DEC Utilities Business Unit Executive Program, *The Environment: Legal and Regulatory Issues*  
Public Utilities Executive Program, *Management of Environmental Issues*  
Public Utilities Executive Program, *Tradable Emission Allowances: Legal and Economic Issues* (with V. Suslow)  
Public Utilities Executive Program, *Tradable Emission Allowances: Legal & Regulatory Issues*  
Davidson Institute Executive Development Program, *International Trade Law*  
L'viv State University, Lectures on *The Legal Environment of Market Economies*  
China University of Political Science and Law, *The Anglo-American Legal System and Contract Law*  
Practicing Law Institute, Conference on Protecting the Corporate Parent:  
*Avoiding Liability for Acts of the Subsidiary, Corporate Parent Responsibility for Environmental Liability of the Subsidiary*

## **SERVICE AND PROFESSIONAL ASSOCIATION APPOINTMENTS AND ASSIGNMENTS**

### **Editorial Positions**

Editor, *Michigan Real Property Review*, 2006-2021  
Contributing Editor, *Real Estate Law Journal*, 1999-2001  
Co-Editor, *Environment and Business Section Newsletter*, Academy of Legal Studies in Business, 1995-2000  
Special Issues Editor (Environmental Law Teaching), *Journal of Legal Studies Education*, 1997-99  
Special Issues Editor (Environmental Law Research), *American Business Law Journal*, 1998-1999  
Staff Editor, *American Business Law Journal*, 1994-97

### **University Committees and Service**

Faculty Working Group on Regents' Bylaws 5.09 and 5.10, 2019-20  
Senate Assembly, General Counsel Advisory Committee, 2014-15  
Provost's Online-Education Policy and Strategy Committee, 2012-13  
Real Estate Development Certificate Advisory Board, 2005-2009; 2010-present  
Executive Committee, Erb Institute, 2004-2007  
Real Estate Development Program Director Search Committee, 2002-05

### **Ross School Committees and Service**

Real Estate Faculty Recruiting Committee, 2022-23  
Instructional Technology Action Team, 2021  
Faculty Lounge Renovation Committee, 2016-2018 (Chair)  
Full-time MBA Program Task Force, 2014  
Global Initiatives Committee, 2012-13; 2013-14  
MBA Programs Advisory Committee, 2011-12  
Community Values Committee: Fall, 2007 (Co-Chair); Winter, 2008 (Chair); 2008-09 (Chair)  
Curriculum Committee, 1997-98; 2005-06; 2006-07  
Research Committee, 2003-04; 2004-05  
MBA Review Task Force, 2001-02  
Diversity Committee (Chair), 2000-01  
Professional Development Program Review Committee, 1998-2001  
E-Commerce Speaker Series Committee, 1999-2000  
Strategic Planning Committee, 1998-99  
Business Law Course Waiver Coordinator, 1998-2000  
Academic Petitions Committee, 1994-99  
Committee on Information Resources, Subcommittee on Research Database Management, 1992-93

### **Academic Discipline Service**

Academy of Legal Studies in Business Faculty Award Selection Committee:  
Member, 2020-22  
Vice-Chair, 2022-present  
Organizer, 2023 Charles M. Hewitt/McGrawHill Master Teacher Competition,  
Academy of Legal Studies in Business, 2022-23  
Academy of Legal Studies in Business Executive Committee:  
Past President, 2007-08  
President, 2006-07  
President-Elect and Program Chair, 2005-06  
Vice-President, 2004-05  
Secretary-Treasurer, 2003-04  
Co-Chair, Environment and Business Section, Academy of Legal Studies in  
Business, 1995-2000  
Peer Review Nominating Committee, *Land Use and Environment Law Review*, 1997-  
2000; 2006  
Steering Committee, Marketing Law Section, Academy of Legal Studies in  
Business, 1997-98  
Midwest Academy of Legal Studies in Business:  
President, 1998-99  
Vice-President and Program Chair, 1997-98  
Secretary and Proceedings Editor, 1996-97  
Michigan Law Review:  
Senior Editor, 1985-86  
Executive Note Editor, 1984-85  
Associate Editor, 1983-84

### **Member:**

Academy of Legal Studies in Business, 1988-present  
State Bar of Michigan, 1987-present

### **Community Service:**

Planning Commission, Superior Charter Township:  
Vice-Chair, 2004-05  
Chair, 1995-2004  
Vice-Chair, 1994-95  
Secretary, 1991-93  
Commissioner, 1990-91