

MELISSA F. WASSERMAN

727 E. Dean Keeton Street
Austin, TX 78705
(512) 471-8079
mwasserman@law.utexas.edu

ACADEMIC EXPERIENCE

UNIVERSITY OF TEXAS, SCHOOL OF LAW

Charles Tilford McCormick Professor of Law 2017–present
Professor 2016–2017

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN, COLLEGE OF LAW

Professor 2015–2016
Associate Professor 2014–2015
Richard and Anne Stockton Faculty Scholar 2013–2016
Richard W. and Marie L. Corman Scholar 2011–2015
Assistant Professor 2011–2014

- Article selected for presentation at the 2015 Yale/Stanford/Harvard Junior Faculty Forum
- Recipient of Carroll P. Hurd Award for Excellence in Faculty Scholarship, University of Illinois (2012) (awarded to the most outstanding piece of faculty scholarship published in the previous year)
- “List of Teachers Ranked as Excellent by their Students” (2011, 2012, 2013, 2014, 2015, 2016)

PUBLICATIONS

Is Too Much Specialization a Bad Thing? Specialization in Specialized Courts (with Jonathan Slack), 115 NORTHWESTERN UNIVERSITY LAW REVIEW (forthcoming 2021).

- Selected for presentation at the plenary session of the 19th Annual Intellectual Property Scholars Conference

Are There as Many Trademark Offices as Trademark Examiners? (with Michael Frakes), 69 DUKE LAW JOURNAL (forthcoming 2020).

Procrastination in the Workplace: Evidence from U.S. Patent Examiners (with Michael Frakes), 183 JOURNAL OF PUBLIC ECONOMICS (forthcoming 2020).

Irrational Ignorance at the Patent Office (with Michael Frakes), 72 VANDERBILT LAW REVIEW 975 (2019).

The New World of Agency Adjudication (with Christopher Walker), 107 CALIFORNIA LAW REVIEW 141 (2019).

Patent Trial and Appeal Board's Consistency Enhancing Function (with Michael Frakes), 104 IOWA LAW REVIEW 2417 (2019) (invited contribution to the Administering Patent Law Symposium).

Knowledge Spillovers and Learning in the Workplace: Evidence from the U.S. Patent Office (with Michael Frakes) (under review).

Tax Solutions to Patent Damages (with Jennifer Blouin), 26 TEXAS INTELLECTUAL PROPERTY LAW JOURNAL 1 (2018) (invited contribution to the PatDam2 Symposium).

Decreasing the Patent Office's Incentive to Grant Invalid Patents (with Michael Frakes), THE HAMILTON PROJECT (December 2017).

Is the Time Allocated to Review Patent Applications Inducing Examiners To Grant Invalid Patents?: Evidence from Micro-Level Application Data (with Michael Frakes), 99 REVIEW OF ECONOMICS AND STATISTICS 550 (2017).

- Selected for presentation at the 2015 Yale/Stanford/Harvard Junior Faculty Forum
- Selected for presentation at the plenary session of the 14th Annual Intellectual Property Scholars Conference

What Administrative Law Can Teach the Trademark System, 93 WASHINGTON UNIVERSITY LAW REVIEW 1511 (2016).

Patent Office Cohorts (with Michael Frakes), 65 DUKE LAW JOURNAL 1601 (2016).

Does the U.S. Patent & Trademark Office Grant Too Many Patents?: Evidence from a Quasi-Experiment (with Michael Frakes), 67 STANFORD LAW REVIEW 613 (2015).

Deference Asymmetries: Distortions in the Evolution of Regulatory Law, 93 TEXAS LAW REVIEW 625 (2015).

- Response by Emily Hammond, *Administrative Law's Asymmetries of Statutory Origin*, 93 TEX. L. REV. SEE ALSO 75 (2015).
- Response by Wendy Wagner, *Assessing Asymmetries*, 93 TEX. L. REV. SEE ALSO 91 (2015).

The Failed Promise of User-Fees: Empirical Evidence from the U.S. Patent and Trademark Office (with Michael Frakes), 11 JOURNAL OF EMPIRICAL LEGAL STUDIES 602 (2014).

The Changing Guard of Patent Law: Chevron Deference for the PTO, 54 WILLIAM & MARY LAW REVIEW 1959 (2013).

Does Agency Funding Affect Decisionmaking?: An Empirical Assessment of the PTO's Granting Patterns (with Michael Frakes), 66 VANDERBILT LAW REVIEW 67 (2013).

- Selected for presentation at the plenary session of the 12th Annual Intellectual Property Scholars Conference

- Reviewed in JOTWELL: The Journal of Things We Like (Lots), October 17, 2012, <http://ip.jotwell.com/linking-financing-to-decisionmaking-in-the-u-s-patent-system/>.

The PTO's Asymmetric Incentives: Pressure to Expand Substantive Patent Law, 72 OHIO STATE LAW JOURNAL 379 (2011).

- Received Carroll P. Hurd Award for Excellence in Faculty Scholarship, University of Illinois (2012) (awarded to the most outstanding piece of faculty scholarship published in the previous year)

Limiting the Inequitable Conduct Defense, 13 VIRGINIA JOURNAL OF LAW & TECHNOLOGY 7 (2008).

Divided Infringement: Expanding the Extraterritorial Scope of Patent Law, 82 NEW YORK UNIVERSITY LAW REVIEW 281 (2006).

- Reprinted in PATENT CLAIMS: CONSTRUCTION AND DRAFTING (India) (IFCAI Books 2008)

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., *magna cum laude*, 2007

Honors: *New York University Law Review*, Articles Editor

Order of Coif, Allen Scholar

Finnegan Henderson Diversity Scholarship Recipient

Grand Prize Winner of the 2006 Seventh Annual Foley & Lardner Intellectual Property Writing Competition

First Place Winner of the 2006 George Hutchinson Writing Competition, sponsored by the Federal Circuit Bar Association

PRINCETON UNIVERSITY, Princeton, NJ

Ph.D., Chemical Engineering, 2004

Thesis: *The Thermodynamics and Dynamics of Network-Forming Liquids at Low Temperatures*

Honors: American Association of University Women, Selected Professions Fellow

National Science Foundation, Graduate Fellow

PENNSYLVANIA STATE UNIVERSITY, University Park, PA

B.S., Chemical Engineering, *high honors*, 1997

Activities: Pennsylvania State Women's Intercollegiate Tennis Team, Captain

SERVICE

UNIVERSITY OF TEXAS SCHOOL OF LAW

- Chair, Appointments Committee 2018–2020
- Appointments Committee 2016–2018

UNIVERSITY OF TEXAS

- Council for TEXAS Impact 2019–2020

UNIVERSITY OF ILLINOIS COLLEGE OF LAW

- Chair, Lectures Committee 2015–2016
- Faculty Awards Committee 2015–2016
- Dean Search Committee 2014–2015
- Graduate and International Committee 2014–2015
- Technology Committee 2013–2014
- Faculty Retreat Committee 2012–2013
- Career Services Committee 2011–2012

UNIVERSITY OF ILLINOIS

- Chancellor/Provost Faculty Consultation Group 2015–2016
- Office of Technology and Management Advisory Committee 2014–2016

BOOK CHAPTERS AND SCIENTIFIC PUBLICATIONS

Do Patent Lawsuits Target Invalid Patents (with Michael Frakes), in *SELECTION AND DECISION IN THE JUDICIAL PROCESS AROUND THE WORLD: EMPIRICAL INQUIRIES* (Yun-chien Chang ed., Cambridge University Press forthcoming 2019).

Empirical Scholarship on the Prosecution Process at the Patent Office (with Michael Frakes), in *RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW (VOL. II—ANALYTICAL METHODS)* (Peter S. Menell & David L. Schwartz eds., 2019).

A Theoretical Study of the Interfacial Properties of Supercooled Water (with Pablo Debenedetti), 42 *INDUS. AND ENGINEERING CHEMISTRY RES.* 6396 (2003).

A Statistical Mechanical Model for Inverse Melting (with Frank Stillinger and Pablo Debenedetti), 119 *J. OF CHEMICAL PHYSICS* 4582 (2003).

Incoherent Quasi-elastic Neutron Scattering from Fructose-Water Solutions (with Craig Brown, Amos Tsai, Dan Neumann and Pablo Debenedetti), 105 *J. OF PHYSICAL CHEMISTRY B* 7799 (2001).

INVITED TALKS, PRESENTATIONS, AND DISCUSSANTS (for the past five years)

2020

- Colloquium on Courts and the Judicial Process, University of California Berkeley School of Law (January 2020)

- Discussant for Ezra Friedman and Abe Wickelgren, *How Should We Enforce Patents: A Simulation Analysis*, Texas Law Review Symposium: Remedies in Complex Litigation, University of Texas School of Law (February 2020)
- Charting the New World of Administrative Adjudication Conference, Duke Law Journal's 50th Annual Administrative Law Symposium, Duke University School of Law (scheduled February 2020)
- Vision 20/20: Perspectives on IP Reform Conference, Lake Buena Vista, FL (scheduled February 2020)
- Moderator, Texas Intellectual Property Law Journal Conference, University of Texas School of Law (scheduled February 2020)
- Drawing Board, University of Texas School of Law (scheduled March 2020)
- Reform of Section 101 Conference, New York University School of Law (scheduled April 2020)
- Duke University Law & Economics Workshop (scheduled April 2020)
- University of Texas Law and Economics Workshop (scheduled April 2020)
- 8th Annual Empirical Intellectual Property Conference, University of Texas School of Law (scheduled April 2020)
- Senior Commentator, Administrative Law New Scholarship Roundtable, Yale Law School (scheduled June 2020)
- Workshop and Lecture Series on the Law & Economics of Innovation, ETH Zurich and University of Zurich (scheduled November 2020)

2019

- NBER Productivity Seminar, Boston, MA (February 2019)
- Moderator, The Intersection of Administrative & IP Law, University of Texas School of Law (February 2019)
- 7th Annual Empirical Patent Law Conference (March 2019)
- The Patent Conference, University of Kansas School of Law (April 2019)
- Haug Family Innovation Speakers Series, Notre Dame Law School (April 2019)
- ABA Trademark Transactions Committee Meeting (May 2019)
- American Law & Economics Association 2018 Annual Meeting, New York University School of Law (May 2019)
- IP Day 2019, Boston University School of Law (July 2019)
- Plenary, 19th Annual Intellectual Property Scholars Conference, DePaul University College of Law (August 2019)
- European Policy Intellectual Property Conference, Zurich (September 2019)
- Empirical Patent Conference, Georgetown Law School (October 2019)
- NPE Litigation Database Symposium, Stanford Law School (November 2019)
- Pharmaceutical Patent Practices & Drug Prices Conference, Bipartisan Policy Center, Washington D.C. (December 2019)

2018

- The 33rd Annual Federal Circuit Symposium, American University Law Review (January 2018)
- Drawing Board, University of Texas School of Law (February 2018)
- Administrative-Private Law Interface of Intellectual Property, Harvard University School of Law (March 2018)
- Discussant for Joshua Krieger, Danielle Li, and Dimitris Papanikolaou, *Developing Novel Drugs*, 9th Annual Empirical Health Law Conference, Duke Law School (April 2018)
- Administrative Law of Intellectual Property Conference, University of California Berkeley School of Law (April 2018)
- Federalist Society's Sixth Annual Executive Branch Review Conference, Washington, D.C. (April 2018)
- Law and Social Science Conference, Texas University A&M (April 2018)
- Discussant for Anita McGahan, Chirantan Chatterjee, and Carlos Inoue, *What Really Happens within Markets When Stronger Patents are Implemented? Evidence from India*, 6th Annual Empirical Patent Law Conference (May 2018)
- Commentator for Paul Gugliuzza, *The Procedure of Patent Eligibility*, 10th Annual Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law (May 2018)
- Commentator for Dmitry Karshedt, *For Better or Worse: Empowering FDA to Counter Questionable Patents*, 10th Annual Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law (May 2018)
- 18th Annual Intellectual Property Scholars Conference, University of California Berkeley School of Law (August 2018)
- Discussant for John Gallemore, Jing Huang, and Kelly Wentland, *Intellectual Property Infringement Risk and Tax-Motivated Profit Shifting*, Texas-Waterloo Tax Symposium, University of Texas McCombs School of Business (September 2018)
- Georgia State University College of Business Seminar (September 2018)
- Iowa Law Review Symposium, *Adminstrating Patent Law* (October 2018)
- Panelist, Federal Trade Commission Hearings on Competition and Consumer Protection in the 21st Century, *Emerging Trends in Patent Quality*, Washington, D.C. (October 2018)
- 23rd Annual Advanced Patent Law Institute, Austin, TX (November 2018)
- 2018 Conference on Empirical Legal Studies, University of Michigan Law School (November 2018)
- New York University School of Law Engelberg Center for Innovation Law and Policy Workshop (November 2018)

2017

- Patent Damages Conference 2, University of Texas School of Law (February 2017)
- Plenary, Works-in-Progress Intellectual Property, Boston College (February 2017)
- Boston University Faculty Workshop (scheduled February 2017)
- 5th Annual Empirical Patent Law Conference, Duke Law School (April 2017)
- Discussant, Antonin Scalia Law School of George Mason University, Roundtable on The New Role of the Administrative State in the Innovation Economy (May 2017)

- Author's Conference, The Hamilton Project, Brookings Institution (June 2017)
- SEALS, Boca Raton, FL (August 2017)
- 17th Annual Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law (August 2017)
- Panelist, Is Administrative Review of Granted Patents Constitutional?, The Center for Innovation Policy at Duke Law School (September 2017)
- The Power of the PTAB: The New Authority in Patent Law, Chicago-Kent College of Law, Chicago, IL (October 2017)
- Perspectives on the PTAB: The New Role of the Administrative State in the Innovation Economy, Antonin Scalia Law School of George Mason University (November 2017)
- Organization for Economic Cooperation and Development Center, Mexico City, Mexico, Intellectual Property Statistics for Decision Makers 2017 (November 2017)
- Project Launch, Advancing U.S. Innovation by Reforming Patent and R&D Policy, The Hamilton Project, Brookings Institution (December 2017)

2016

- University of Texas Law and Economics Workshop (February 2016)
- Intellectual Property Exceptionalism in Administrative Law Conference, Duke Law Journal's 46th Annual Administrative Law Symposium, Duke University School of Law (February 2016)
- University of Florida Faculty Workshop (March 2016)
- Discussant for Saurabh Vishnubhakat, *The Field of Invention*, Junior Patent Roundtable, Notre Dame School of Law (March 2016)
- Workshop on Empirical Methods in Intellectual Property, U.S. Patent and Trademark Office (April 2016)
- U.S. Patent and Trademark Office Colloquium on Time Allocations and Quality, U.S. Patent and Trademark Office (April 2016)
- Panelist, Harvard Law School, Petrie Flom 10th Anniversary Conference (April 2016)
- Discussant for Lee Branstetter, Chirantan Chatterjee, and Matthew Higgins, *Starving (or Fattening) the Golden Goose: Generic Entry and the Incentives for Early-Stage Pharmaceutical Innovation*, Empirical Health Law Conference, Northwestern University School of Law (April 2016)
- 16th Intellectual Property Scholars Conference, Stanford School of Law (August 2016)
- Santa Clara-Duke Patent Quality Conference, Santa Clara University School of Law (September 2016)
- 2016 Conference on Empirical Legal Studies, Duke Law School (November 2016)
- Drawing Board, University of Texas School of Law (November 2016)
- Discussant for Neil Thompson and Jeffrey Kuhn, *Patent Races in the Real World: They're Different than Theory Suggests*, 2016 Conference on Empirical Legal Studies, Duke Law School (November 2016)
- American Bar Association Administrative Law Conference, Washington, D.C. (December 2016)

Legislative and Regulatory Activities

Testimony before the U.S. Senate Committee on the Judiciary, Subcommittee on Intellectual Property Hearing on “Promoting the Useful Arts: How can Congress Prevent the Issuance of Poor Quality Patents?”, Oct. 30, 2019, written testimony available at <https://www.judiciary.senate.gov/imo/media/doc/Wasserman%20Testimony.pdf>.

CONFERENCES OR PANELS ORGANIZED

Co-organizer, 8th Annual Intellectual Property Law Conference, University of Texas School of Law (scheduled April 2020)

Co-organizer, 7th Annual Empirical Patent Law Conference, Duke Law School (April 2019)

Co-organizer, 6th Annual Empirical Patent Law Conference, University of Texas School of Law (May 2018)

Co-organizer, 5th Annual Empirical Patent Law Conference, Duke Law School (April 2017)

Organizer, Intellectual Property Exceptionalism in Administrative Law, 46th Annual Administrative Law Symposium, Duke Law Journal, Duke University School of Law (February 2016)

Co-organizer, 4th Annual Empirical Patent Law Conference, University of Illinois College of Law (October 2015)

Co-organizer, 3rd Annual Empirical Patent Law Conference, Northwestern University School of Law (September 2014)

Co-organizer, 2nd Annual Empirical Patent Law Conference, University of Illinois College of Law (September 2013)

Co-organizer, 1st Annual Empirical Patent Law Conference, Cornell Law School (September 2012)

Organizer & Moderator, Should Genes be Patentable?, The Epstein Health Law and Policy Program, University of Illinois College of Law (April 2012)

COMMENTARY & SHORTER WORKS

Headless Agency Adjudication at the Patent Office, Penn Program on Regulation, RegBlog (May 2018), <https://www.theregreview.org/2018/05/01/walker-wasserman-adjudication-patent-office/> (with Christopher Walker).

Situating PTAB Adjudication Within the New World of Agency Adjudication, Patently-o (March 22, 2018), <https://patentlyo.com/patent/2018/03/wasserman-situating-adjudication.html> (with Christopher Walker).

Reconsidering Patent Examiner's Time Allocations, Law360 (October 2016), (with Michael Frakes).

Reducing Patent Application Backlog to Improve Patent Quality, Berkeley Technology Law Journal, Commentaries (March 2016), <http://btlj.org/2016/03/reducing-patent-application-backlog-improvepatent-quality> (with Michael Frakes).

Revising Patent Examiner's Time Allocations, Berkeley Technology Law Journal, Commentaries (March 2016), <http://btlj.org/2016/03/revising-patent-examiners-time-allocations> (with Michael Frakes).

Improving Patent Quality by Reducing the Patent Office's Backlog of Applications, Penn Program on Regulation, RegBlog (April 2015), <http://www.regblog.org/2015/04/13/frakes-wasserman-patentbacklog> (with Michael Frakes).

Chevron Deference for the U.S. Patent and Trademark Office, Penn Program on Regulation, RegBlog (April 2014), <http://www.regblog.org/2014/04/14-wasserman-chevron-pto.html>.

Evaluating the PTO's Proposed Fee Structure, Penn Program on Regulation, RegBlog (September 2012), <https://www.law.upenn.edu/blogs/regblog/2012/09/10-wasserman-frakes.html> (with Michael Frakes).

Can New Fees Fix the Patent System?: Don't Rely so Heavily on 'Post-allowance' Fees to Fund USPTO Operations, The Wired (September 2012), <http://www.wired.com/opinion/2012/09/can-newfees-fix-the-patent-system> (with Michael Frakes).

GRANTS

Does the U.S. Patent & Trademark Office Grant Too Many Patents?: Evidence from a QuasiExperiment, Cornell University Institute for the Social Sciences Small Grant Program, CoPrincipal Investigator, 2013-2014 (\$7,750).

Does Agency Funding Affect Decision-making?: An Empirical Assessment of the PTO's Granting Patterns, University of Illinois at Urbana Champaign Research Board, Principal Investigator, 2012-2013 (\$8,840).

COURSES TAUGHT

Patents; Innovation Policy and the Biopharmaceutical Industry; Torts; Law, Behavioral and Social Science Colloquium, Intellectual Property Colloquium

JUDICIAL CLERKSHIP

HON. KIMBERLY A. MOORE, U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT, Washington, DC

Law Clerk 2007–2008

LEGAL WORK EXPERIENCE

HARVARD LAW SCHOOL, THE PETRIE-FLOM CENTER FOR HEALTH LAW POLICY,
BIOTECHNOLOGY, AND BIOETHICS, Academic Fellow & Lecturer on Law, 2009–2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Washington, DC
Summer Associate Summer 2006

DARBY & DARBY, P.C., New York, NY
Summer Associate Summer 2005
Patent Agent 2003–2004

ADDITIONAL INFORMATION

Admitted to United States Patent and Trademark Office Bar

Referee for Journal of Economics and Management Strategy, Journal of Empirical Legal Studies,
International Review of Law and Economics, Journal of Law and the Biosciences, and Yale Law
Journal.