

MELISSA F. WASSERMAN

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ACADEMIC EXPERIENCE

UNIVERSITY OF TEXAS, SCHOOL OF LAW

| | |
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| Associate Dean for Research | 2022–present |
| Charles Tilford McCormick Professor of Law | 2017–present |
| Professor | 2016–2017 |

- Women’s Law Caucus Professor of the Year 2020–2021

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN, COLLEGE OF LAW

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| 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

AI-Generated Inventions: Implications for the Patent System (with Gaétan de Rassenfosse and Adam Jaffe) SOUTHERN CALIFORNIA LAW REVIEW (forthcoming 2023)

Investing in Ex Ante Regulation: Evidence from Pharmaceutical Patent Examination (with Michael Frakes) AMERICAN ECONOMIC JOURNAL: ECONOMIC POLICY (forthcoming 2023)

PRECEDENTIAL DECISION MAKING IN AGENCY ADJUDICATION (Final Report and Recommendations to the Administrative Conference of the United States, Dec. 2022) (with Professor Christopher Walker, University of Michigan School of Law, and Matthew Wiener, Executive Director, Administrative Conference) *recommendations adopted* 88 Fed. Reg. 2312, 2312-2314 (Jan. 13, 2023).

Knowledge Spillovers, Peer Effects, and Telecommuting: Evidence from the U.S. Patent Office (with Michael Frakes) 198 JOURNAL OF PUBLIC ECONOMICS 104425 (2021).

Can There Be Too Much Specialization? Specialization in Specialized Courts (with Jonathan Slack), 115 NORTHWESTERN UNIVERSITY LAW REVIEW 1405 (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 1807 (2020).

Procrastination at the Patent Office? (with Michael Frakes), 183 JOURNAL OF PUBLIC ECONOMICS 104140 (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).

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).

WORKS IN PROGRESS

SMALL CLAIMS PATENT COURT (Report to the Administrative Conference of the United States forthcoming) (with Professor Kali Murray, Marquette University Law School and Professor Arti Rai, Duke University School of Law).

Saving Agency Adjudication (with Aaron Nielson and Chris Walker)

Deadlines versus Continuous Incentives: Evidence from the Patent Office (with Michael Frakes)

Are NPEs More Likely to Assert Invalid Patents than Practicing Entities? (with Michael Frakes)

SERVICE

UNIVERSITY OF TEXAS SCHOOL OF LAW

- Associate Dean for Research 2022–
- Chair, Appointments Committee 2018–2020, 2021–2022
- Dean Search Committee 2021–2022
- Appointments Committee 2016–2018, 2022–2023

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

Professional

- Board of Directors for the American Law & Economics Association 2021-2024
- Administrative Conference of the United States, Public Member 2021-2024

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

BOOK CHAPTERS AND SCIENTIFIC PUBLICATIONS

Specialization Everywhere: Increasing Adjudicator Specialization in the Patent Litigation Ecosystem (with Sarah R. Wasserman Rajec) (Susy Frankel, Maggie Chon, Graeme Dinwoodie, Jens Schovsbo, and Barbara Lauriat eds., Edward Elgar, forthcoming 2023)

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, 2020).

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)

2023

- Discussant for Haiyun Damon-Feng, *Administering Reliance*, AALS, New Voices in Administrative Law, San Diego (January 2023)
- IP in the Trees Lecture, Lewis and Clark Law School (scheduled February 2023)
- Discussant for Jordi Goodman, *Strength in Numbers: Analyzing Group Dynamics of the Patent Gap*, Online Workshop on Computational Analysis of Law, University of Virginia School of Law (scheduled February 2023)
- Faculty Workshop, Cornell Law School (scheduled February 2023)
- Faculty Workshop, Emory University School of Law (scheduled March 2023)
- Panelist, Engelberg Center Tribute Rochelle Dreyfuss, New York University School of Law (scheduled March 2023)
- Southern California Law Review Symposium (scheduled March 2023)
- George Mason Law & Economics Colloquium (scheduled April 2023)
- Discussant, Administrative Roundtable, University of Texas School of Law (scheduled May 2023)

2022

- 2022 Conference on Empirical Legal Studies, University of Toronto Faculty of Law (March 2022)
- Discussant for Chris Cotropia and David Schwartz, *Revealing When Companies Choose Inside Counsel: A Case Study from Patents*, 2022 Conference on Empirical Legal Studies, University of Toronto Faculty of Law (March 2022)
- 9th Annual Empirical Intellectual Property Conference, University of Texas School of Law (April 2022)
- Discussant for Mark McKenna and Jessica Silbey, *Investigating Design*, 9th Annual Empirical Intellectual Property Conference, University of Texas School of Law (April 2022)
- 45th Annual Health Law Professors Conference, Arizona State University Sandra Day O'Connor School of Law (June 2022)
- Keynote, Munich Summer Institute, Bavarian Academy of Sciences and Humanities (June 2022)
- Discussant for Adam Crews, *Interagency Litigation Outside Article III*, Administrative Roundtable, University of Minnesota Law School (June 2022)
- Drawing Board, University of Texas School of Law (July 2022)

- 22nd Annual Intellectual Property Scholars Conference, Stanford School of Law (August 2022)
- CLASS Workshop, University of Southern California Law School (August 2022)
- Grey Center Roundtable, George Mason University Antonin Scalia Law School (August 2022)
- Conference of Empirical Legal Studies, University of Virginia School of Law (November 2022)
- Administrative Conference of the United States 78th Plenary Session, Washington, D.C. (December 2022)

2021

- Program on Regulation, Therapeutics, and the Law, Harvard Medical School and Brigham and Women's Hospital (January 2021)
- Economics and Law of Pharmaceutical Regulation: Emerging Issues, George Mason University Antonin Scalia Law School (January 2021)
- Constitutional Principles: Administrative Adjudication and *Arthrex*, Duke University School of Law (February 2021)
- American University's Supreme Court Series: *Arthrex* (March 2021)
- Boston University's Law & Economics Seminar (March 2021)
- Panelist, The AIA at Ten: The Positive Impact of Inter Partes Review (July 2021)
- Panelist, Supervision by the Executive: Appointments Clause and Removal Constraints After *Collins & Arthrex*, American Bar Association (July 2021)

- 21th Annual Intellectual Property Scholars Conference, Cardozo Law School (August 2021)
- Virtual law & Economics Seminar (September 2021)
- Commentator for Dmitry Kardshet, *Pharmaceutical Patents and Adversarial Examination*, Wiet Life Science Law Scholars Workshop, Loyola University Chicago (September 2021)
- Panelist, Supreme Court Intellectual Property Review, Chicago-Kent College of Law (September 2021)
- Commentator for Amy Semet, *Reforming the Patent Trial and Appeal Board After Arthrex*, Administrative Roundtable, Yale Law School (September 2021)
- University of Chicago Law & Economics Seminar (September 2021)
- American Law Economics Conference 2021 Annual Meeting, University of Chicago School of Law (October 2021)

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 (February 2020)
- Vision 20/20: Perspectives on IP Reform Conference, Lake Buena Vista, FL (February 2020)
- Moderator, Texas Intellectual Property Law Journal Conference, University of Texas School of Law (February 2020)
- Drawing Board, University of Texas School of Law (March 2020)
- Reform of Section 101 Conference, New York University School of Law (scheduled April 2020)
- Duke University Law & Economics Workshop (April 2020)
- University of Texas Law and Economics Workshop (April 2020)
- 8th Annual Empirical Intellectual Property Conference, University of Texas School of Law (scheduled April 2020)
- 11th Annual Empirical Health Law Conference, Duke University School of Law (April 2020)
- Commentator, 12th Annual Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law (scheduled May 2020)
- Law & Economics Summer Workshop (June 2020)
- Zoom IP Occasional Workshop (July 2020)
- 20th Annual Intellectual Property Scholars Conference, Stanford School of Law (July 2020)
- Max Planck Institute Innovation & Entrepreneur Seminar (October 2020)

- University of Michigan Law & Economics Seminar (October 2020)
- University of Virginia Law and Economics Workshop (November 2020)
- Workshop and Lecture Series on the Law & Economics of Innovation, ETH Zurich and University of Zurich (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 2019 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 School of Law (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, *Administrating 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)

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 Empirical Intellectual Property Law Conference, University of Texas School of Law (April 2022)
- Co-organizer, 7th Annual Empirical Intellectual Property 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 Quasi-Experiment, 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

PROFESSIONAL ACTIVITIES

- Area Organizer, American Law and Economics Association 2023 Annual Meeting
- Member, Selection and Organizing Committee, Annual Administrative Law New Scholarship Roundtable (2021-present)
- Public Member, Administrative Conference of the United States (2021-present)
- Director, American Law and Economics Association (2021-present)
- Faculty Advisor, Women of Color Collective (2021-present)
- Reviewer, Conference of Empirical Legal Studies 2022 Annual Meeting
- Area Organizer, American Law and Economics Association 2022 Annual Meeting
- Area Organizer, American Law and Economics Association 2021 Annual Meeting
- Area Organizer, American Law and Economics Association 2018 Annual Meeting
- Referee for Review of Economics and Statistics, Journal of Public Economics, Journal of Legal Studies, Journal of Law, Economics, and Organization, Journal of Economics and Management Strategy, Journal of Empirical Legal Studies, International Review of Law and Economics, Journal of Law and the Biosciences, and Research Policy.