

## MELISSA F. WASSERMAN

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### ACADEMIC EXPERIENCE

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#### UNIVERSITY OF TEXAS, SCHOOL OF LAW

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

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

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*Saving Agency Adjudication* (with Aaron Nielson and Christopher Walker) 103 TEXAS LAW REVIEW (forthcoming 2024).

*AI-Generated Inventions: Implications for the Patent System* (with Gaétan de Rassenfosse and Adam Jaffe) 96 SOUTHERN CALIFORNIA LAW REVIEW 101 (2024).

*Investing in Ex Ante Regulation: Evidence from Pharmaceutical Patent Examination* (with Michael Frakes) 15 AMERICAN ECONOMIC JOURNAL: ECONOMIC POLICY 151 (2023).

PATENT SMALL CLAIMS (Final Report to the Administrative Conference of the United States, Office of the Chairman, Mar. 2023) (with Jeremy S. Graboyes, Kazia Nowacki, Alexandra Sybo, Administrative Conference of the United States, Professor Kali Murray, Marquette University Law School and Professor Arti Rai, Duke University School of Law).

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 19<sup>th</sup> 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 14<sup>th</sup> 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 12<sup>th</sup> 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**

*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)

## **GRANTS**

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*Impacts of Enhanced Drug Examination*, National Institute of Health, Co-Principal Investigator, 2023-2027 (\$1,266,480)

*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).

## **SERVICE**

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### UNIVERSITY OF TEXAS SCHOOL OF LAW

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

### 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 2021-2027
- American Association of University Women, Award Review Panel 2024-2025

## **EDUCATION**

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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**

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*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, 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)**

2024

- Discussant for Jacob Noti-Victor, *Copyright and the Consumer in the Age of Generative AI*, AALS, New Voices in Intellectual Property, Washington D.C. (January 2024)
- Spring 2024 Power in the Administrative State Workshop Series (January 2024).
- Law and Bioscience Workshop, Stanford School of Law (February 2024)
- 10<sup>th</sup> Anniversary IP Conference, Texas A&M University School of Law (February 2024)
- Rethinking Patent Prosecution, Review, and Litigation, New York University School of Law (March 2024)
- Panelist, AIPLA Spring Meeting, Emerging Issues in AI and Patents (May 2024)
- Discussant for Anjali Deshmukh, *Beyond FDA Exceptionalism?*, Administrative Law New Scholarship Roundtable, Notre Dame School of Law (June 2024)
- 24<sup>th</sup> Annual Intellectual Property Scholars Conference, Berkeley School of Law (August 2024)
- Discussant, Laura Dolbow, *Public Access to Publicly Funded Pharma*, Weit Life Science Law Scholars, Loyola University Chicago School of Law (September 2024)
- Panelist, The Hatch Waxman Act at 40 Beyond, New York University School of Law (September 2024)
- Discussant, Jinhwan Kim, Terrence Shi and Rodrigo Verdi, *The Innovation Consequences of Judicial Efficiency*, Journal of Accounting and Economics Conference, Stanford Graduate Business School (October 2024)
- Law and Economics Colloquium, Washington University in St. Louis (scheduled November 2024)

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 (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 (February 2023)
- Faculty Workshop, Cornell Law School (February 2023)
- Faculty Workshop, Emory University School of Law (March 2023)
- Panelist, Engelberg Center Tribute Rochelle Dreyfuss, New York University School of Law (March 2023)
- Southern California Law Review Symposium (March 2023)
- George Mason Law & Economics Colloquium (April 2023)
- Discussant for Amit Haim, *Binding Language in Administrative Guidance Documents*, Administrative Law New Scholarship Roundtable, University of Texas School of Law (May 2023)
- IP Roundtable, University of Texas School of Law (May 2023)

- Drawing Board, University of Texas School of Law (July 2023)
- Law and Economics Colloquium, Texas A&M School of Law (August 2023)
- Faculty Workshop, University of Illinois College of Law (September 2023)
- Law and Economics Colloquium, University of California Berkeley School of Law (October 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)
- 9<sup>th</sup> Annual Empirical Intellectual Property Conference, University of Texas School of Law (April 2022)
- Discussant for Mark McKenna and Jessica Silbey, *Investigating Design*, 9<sup>th</sup> Annual Empirical Intellectual Property Conference, University of Texas School of Law (April 2022)
- 45<sup>th</sup> 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 Law New Scholarship Roundtable, University of Minnesota Law School (June 2022)
- Drawing Board, University of Texas School of Law (July 2022)
- 22<sup>nd</sup> 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)
- 21<sup>th</sup> Annual Intellectual Property Scholars Conference, Cardozo Law School (August 2021)
- Virtual law & Economics Seminar (September 2021)
- Commentator for Dmitry Karshedt, *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)

## **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**

- Organizer, IP Roundtable, University of Texas School of Law (May 2023)
- Co-organizer, Administrative Law New Scholarship Roundtable, University of Texas School of Law (May 2023)
- Co-organizer, 8<sup>th</sup> Annual Empirical Intellectual Property Law Conference, University of Texas School of Law (April 2022)
- Co-organizer, 7<sup>th</sup> Annual Empirical Intellectual Property Law Conference, Duke Law School (April 2019)
- Co-organizer, 6<sup>th</sup> Annual Empirical Patent Law Conference, University of Texas School of Law (May 2018)
- Co-organizer, 5<sup>th</sup> Annual Empirical Patent Law Conference, Duke Law School (April 2017)
- Organizer, Intellectual Property Exceptionalism in Administrative Law, 46<sup>th</sup> Annual Administrative Law Symposium, Duke Law Journal, Duke University School of Law (February 2016)
- Co-organizer, 4<sup>th</sup> Annual Empirical Patent Law Conference, University of Illinois College of Law (October 2015)
- Co-organizer, 3<sup>rd</sup> Annual Empirical Patent Law Conference, Northwestern University School of Law (September 2014)



- Co-organizer, 2<sup>nd</sup> Annual Empirical Patent Law Conference, University of Illinois College of Law (September 2013)
- Co-organizer, 1<sup>st</sup> 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)

## **COURSES TAUGHT**

Torts; Patents; Innovation Policy and the Biopharmaceutical Industry; Law, Behavioral and Social Science Colloquium, Intellectual Property Colloquium; Health and Innovation and the Law 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, Conference of Empirical Legal Studies 2023 Annual Meeting
- 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 (2021–2024)
- Faculty Advisor, Women of Color Collective (2021–present)
- Area Organizer, 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.