

MELISSA F. WASSERMAN

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ACADEMIC EXPERIENCE

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
- Best Discussant Award, Journal of Accounting and Economics Conference 2024

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

Saving Agency Adjudication (with Aaron Nielson and Christopher Walker) 103 TEXAS LAW REVIEW (forthcoming 2025).

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 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

Deadlines versus Continuous Incentives: Evidence from the Patent Office, revise and resubmit Review of Economics and Statistics (with Michael Frakes)

Unveiling the Biologics Patent Landscape (with Michael Frakes)

Strategic Patenting: Evidence from the Biopharmaceutical Industry (with Michael Frakes)

Products Liability in a World Designed for Men

GRANTS

Impacts of Enhanced Drug Examination, National Institute of Health, National Institute on Aging, R01, 1R01AG076586-01A1, 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

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

- Class 1 Director for Society for Empirical Legal Studies 2024-2027
- 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

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, 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)

2025

- Discussant for Kara Swanson, *Alexander Graham Bell, Immigrant Inventor: The Border Politics and Patents*, Texas Law Review Symposium, University of Texas School of Law (January 2025)
- 22nd Annual Works in Progress for Intellectual Property Scholars Colloquium, William S. Boyd School of Law at UNLV (February 2025)
- Patent Office Power in the New Agency Landscape: Under Pressure or Crazy Train?, 18th Evil Twin Debate, The Intellectual Property Institute at the University of Richmond School of Law, (debate with Prof. Saurabh Vishnubhakat of Cardozo School of Law) (February 2025)
- Moderator, Chevron Under Siege: Loper Bright and the Future of Administrative Law, Federalist Society, University of Texas School of Law (February 2025)
- The Cost of Innovation, Texas Intellectual Property Law Journal Symposium, University of Texas School of Law (February 2025)
- Texas Law Review Article Event, University of Texas School of Law (April 2025)
- Panelist, United States Patent & Trademark Office Roundtable (scheduled April 2025)
- Empirical Methods in Intellectual Property Workshop, Northwestern Pritzker University School of Law (scheduled May 2025)
- Discussant, Empirical Methods in Intellectual Property Workshop, Northwestern Pritzker University School of Law (scheduled May 2025)
- Discussant, Administrative Law New Scholarship Roundtable, Michigan School of Law (scheduled May 2025)
- 2025 Tsai Center for Law, Science and Innovation at SMU Dedman School of Law Summit, Beaver Creek, Colorado (scheduled June 2025)

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)
- 10th 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)

- 24th 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) (Won Best Discussant Award)
- Law and Economics Colloquium, Washington University in St. Louis (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)
- 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 Law New Scholarship 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)

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, Workshop on Empirical Methods in Intellectual Property, Northwestern Pritzker School of Law (scheduled May 2025)
- 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, 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)

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

- Class 1 Director, Society of Empirical Legal Studies (2024-2027)
- Area Organizer, Conference of Empirical Legal Studies 2025 Annual Meeting
- 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)
- 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.