

LEE PETHERBRIDGE PH.D.

PROFESSOR OF LAW

LOYOLA LAW SCHOOL | LOYOLA MARYMOUNT UNIVERSITY
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RECENT

UNIVERSITY OF CALIFORNIA, LOS ANGELES
VISITING PROFESSOR OF LAW, fall 2022

LOYOLA LAW SCHOOL, LOS ANGELES
PROFESSOR OF LAW, 2008-present

Vachon Research Fellow, 2008-20

ASSOCIATE PROFESSOR OF LAW, 2005-08

Board of Governors Recognition Award, 2007

HON. RAYMOND C. CLEVINGER, III

U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT
LAW CLERK, 2003-2005

EDUCATION

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL
J.D., MAY 2002

Managing Editor, U. PA. J. INT'L. ECON. L., 2001-02

Associate Editor, U. PA. J. INT'L. ECON. L., 2000-01

BAYLOR COLLEGE OF MEDICINE

PH.D., MOLECULAR AND CELLULAR BIOLOGY, JULY 1999

NIH Research Trainee, 1992-99

SMITH COLLEGE

M.A., BIOLOGICAL SCIENCES, JULY 1992

Sally Wilens Memorial Fellow, 1991-92

Teaching Fellow, 1990-91

WESTERN NEW ENGLAND COLLEGE

B.S., BIOLOGY, MAY 1990

PUBLICATIONS

Infringement

RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW, P. Menell, D. Schwartz & B. Depoorter (eds), Edward Elgar Publishing, (2019) (with Jason Rantanen)

Inequitable Conduct and Patent Misuse

RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW, P. Menell, D. Schwartz & B. Depoorter (eds), Edward Elgar Publishing, (2019) (with Jason Rantanen)

Gender Disparity in Law Review Citation Rates

59(3) WM. AND MARY L. REV. 771 (2018) (with Christopher A. Cotropia)

Teva and the Process of Claim Construction

70(2) U. FLA. L. REV. 379 (2018) (with R. Polk Wagner)

Should Your Law Review Article Have an Abstract and Table of Contents?

85 MISS. L.J. 295 (Peer Review) (2016) (with Christopher A. Cotropia)

Disuniformity

66 FLA. L. REV. 2007 (2014) (with Jason Rantanen)

The Dominance of Teams in the Production of Legal Knowledge

124 YALE L.J. FORUM 18 (2014) (with Christopher A. Cotropia)

Unenforceability

70 WASH. & LEE L. REV. 1751 (2013) (with Jason Rantanen and R. Polk Wagner)

An Empirical Study of the Use of Legal Scholarship in Supreme Court Trademark Jurisprudence

35 CARDOZO L. REV. 931 (2013) (with Derek Simpson).

Unenforceability: Research Report

Available at SSRN: <http://ssrn.com/abstract=2176775> (2013) (with Jason Rantanen and R. Polk Wagner)

The End of an Epithet? An Exploration of the Use of Legal Scholarship in Intellectual Property Decisions

50 HOUS. L. REV. 523 (2013) (with David L. Schwartz)

An Empirical Assessment of the Supreme Court's Use of Legal Scholarship

106 NW. U. L. REV. 995 (2012) (with David L. Schwartz)

The Pseudo-Elimination of Best Mode: Worst Possible Choice?

59 UCLA L. REV. DISC. 170 (2012) (with Jason Rantanen)

In Memoriam Best Mode

64 STAN. L. REV. ONLINE 125 (2012) (with Jason Rantanen)

America Invents, More or Less?

160 U. PA. L. REV. PENNumbra 229 (2012) (with Jason Rantanen and Jay Kesan)

The Use of Legal Scholarship By the Federal Courts of Appeals: An Empirical Study

THE LEGAL WORKSHOP (2012) (with David L. Schwartz) available at: <http://legalworkshop.org/>

On Predicting Patent Litigation

90 TEXAS L. REV. SEE ALSO 75 (2012)

Toward a System of Invention Registration: The Leahy-Smith America Invents Act

110 MICH. L. REV. FIRST IMPRESSIONS 24 (2011) (with Jason Rantanen)

Did Phillips Change Anything? Empirical Analysis of the Federal Circuit's Claim Construction Jurisprudence

INTELLECTUAL PROPERTY AND THE COMMON LAW, S. Balganesch, ed., Cambridge Univ. Press, 2012) (with R. Polk Wagner)

Therasense v. Becton Dickinson: A First Impression
14 YALE J.L. & TECH., 226 (2012) (with Jason Rantanen)

The Federal Circuit and Inequitable Conduct: An Empirical Assessment
84 S. CAL. L. REV. 1293 (2011) (with Jason Rantanen & Ali Mojibi)

The Use of Legal Scholarship By the Federal Courts of Appeals: An Empirical Study
96 CORNELL L. REV. 1345 (2011) (with David L. Schwartz)

Legal Scholarship and the United States Court of Appeals for the Federal Circuit: An Empirical Study of a National Circuit
26 BERKELEY TECH. L.J. 1561 (2011) (with David L. Schwartz)

On the Development of Patent Law
43 LOY. L.A. L. REV. 893 (2010)

On the Decline of the Doctrine of Equivalents
31 CARDOZO L. REV. 1371 (2010)

On Addressing Patent Quality
158 U. PA. L. REV. PENNumbra 13 (2009)

Patent Law Uniformity?
22 HARV. J.L. & TECH. 422 (2009)

The Claim Construction Effect
15 MICH. TELECOMM. & TECH L. REV. 215 (2008)

The Federal Circuit and Patentability: An Empirical Assessment of the Law of Obviousness
85 TEX. L. REV. 2051 (2007) (with R. Polk Wagner)

Road Map to Revolution? Patent-Based Open Science
59 ME. L. REV. 339 (2007)

Positive Examination
46 IDEA 173 (2006)

Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance
152 U. PA. L. REV. 1105 (2004) (with R. Polk Wagner)

Note, *Intelligent TRIPS Implementation: A Strategy for Developing Countries*
22 U. PA. J. INT'L ECON. L. 1029 (2001), selected for republication at 25 U. PA. J. INT'L ECON. L. 1133 (2004) (Special Series)

Petherbridge, L. (1999) *Characterization of the Regulation of the Human Keratin 1 Gene*, DISSERTATION, Jones Library, Texas Medical Center, Houston, TX.

Wojcik, S.M., Imakado, S., Seki, T., Longley, M.A. **Petherbridge, L.**, Bundman, D.S., Bickenbach, J.R., Rothnagel, J.A., and Roop, D.R. (1999) *Expression Of MK6a Dominant-Negative and C-Terminal Mutant Transgenes in Mice Has Distinct Phenotypic Consequences in the Epidermis and Hair Follicle*, DIFFERENTIATION 65(2): 97-112.

Liberona, J.L., Powell, J.A., Sheno, S., **Petherbridge, L.**, Caviedes, R., and Jaimovich, E. (1998) *Differences in Both IP₃ Mass and IP₃ Receptors Between Normal and Dystrophic Skeletal Muscle Cell Lines*, MUSCLE AND NERVE 21(7), 902-909.

Powell, J.A., **Petherbridge, L.**, and Flucher, B.E. (1996) *Formation of Triads without the Dihydropyridine Receptor α -Subunits in Cell Lines from Dysgenic Skeletal Muscle*, J. CELL BIOL. 134(2), 375-87.

Petherbridge, L. (1992) *Creation of Immortalized Cell Lines: Muscular Dystrophy and Muscular Dysgenesis*, DISSERTATION, Smith College Library.

WORKS

IN PROGRESS

The Law of Human Suffering

This project uses an evolutionary approach to develop the idea that the law is capable of causing potentially vast amounts of human suffering, it also considers the normative value of understanding the impact of law from this perspective.

An Evolutionary Hypothesis of Property

This project considers the law of property from an evolutionary perspective.

Understanding Incest Prohibitions

This project develops the hypothesis that, contrary to the thinking of legal scholars and sociologists, laws prohibiting close inbreeding do indeed have their origins in human biology.

The Virtue of Intellectual Property

Traditional understandings of intellectual property law argue that intellectual property rights are explained by the demands of natural rights theories and/or the demands of utilitarianism. This project argues that these views misunderstand the basic reasons why humans prefer intellectual property protections, and develops the novel hypothesis that laws protecting rights in intellectual goods find explanation in human adaptive preferences.

PRESENTATIONS

Should Your Law Review Article Have an Abstract and Table of Contents?

MISSISSIPPI LAW JOURNAL PEER REVIEW SEMINAR
OXFORD, MS (AUGUST 2015)

Gender Disparity in Law Review Citation Rates

CONFERENCE ON EMPIRICAL LEGAL STUDIES
UNIVERSITY OF CALIFORNIA, BERKELEY
BERKELEY, CA (OCTOBER 2014)

Economic, Ethical, and Neo-Tech Theories of Intellectual Property (Moderator)

ANNUAL MEETING OF THE SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS
AMELIA ISLAND, FL (JULY 2014)

Unenforceability

FACULTY WORKSHOP
UNIVERSITY OF SAN DIEGO SCHOOL OF LAW
SAN DIEGO, CA (NOVEMBER 2013)

The Implications of Myriad for Patenting and Innovation in the Life Sciences

THE SUPREME GENOME? MARYLAND V. KING, MYRIAD GENETICS AND THE MEANINGS OF DNA
UCLA INSTITUTE FOR SOCIETY AND GENETICS
LOS ANGELES, CA (NOVEMBER 2013)

University Technology Transfer: Fast Track for Innovation or Stumbling Block to Commercialization (Moderator)

OXBRIDGE BIOTECH ROUNDTABLE, KECK GRADUATE INSTITUTE
CLAREMONT, CA (NOVEMBER 2013)

The Failed Promise of User Fees: Empirical Evidence from the United States Patent and Trademark Office (Discussant)

CONFERENCE ON EMPIRICAL LEGAL STUDIES
UNIVERSITY OF PENNSYLVANIA LAW SCHOOL
PHILADELPHIA, PA (OCTOBER 2013)

The PHOSITA Project

EMPIRICAL METHODS IN INTELLECTUAL PROPERTY CONFERENCE
CHICAGO KENT COLLEGE OF LAW
CHICAGO, IL (OCTOBER 2013)

Inequitable Conduct – After the Therasense Dust Has Settled

HOUSTON INTELLECTUAL PROPERTY LAW ASSOCIATION AND UNIVERSITY OF HOUSTON LAW CENTER'S ANNUAL INSTITUTE ON INTELLECTUAL PROPERTY LAW
MOODY GARDENS
GALVESTON, TX (SEPTEMBER 2013)

Patent Value and Citations: Creative Destruction or Defensive Disruption? (Discussant)

INTELLECTUAL PROPERTY SCHOLARS CONFERENCE
CARDOZO LAW SCHOOL
NEW YORK, NY (AUGUST 2013)

Unenforceability

CONFERENCE FOR EMPIRICAL STUDY OF PATENT LITIGATION
UNIVERSITY OF SAN DIEGO SCHOOL OF LAW
SAN DIEGO, CA (JANUARY 2013)

Unenforceability

7TH ANNUAL CONFERENCE ON EMPIRICAL LEGAL STUDIES
STANFORD LAW SCHOOL
PALO ALTO, CA (NOVEMBER 2012)

Unenforceability

CENTER FOR TECHNOLOGY, INNOVATION & COMPETITION WORKSHOP
UNIVERSITY OF PENNSYLVANIA LAW SCHOOL
PHILADELPHIA, PA (OCTOBER 2012)

Patent Infringement Injunction's Scope (Discussant)

6TH ANNUAL CONFERENCE ON EMPIRICAL LEGAL STUDIES
NORTHWESTERN UNIVERSITY LAW SCHOOL
CHICAGO, IL (NOVEMBER 2011)

Patent Law in the 21st Century: Overhaul, Tweak, or Status Quo? (Moderator)

ANNUAL MEETING OF THE SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS
HILTON HEAD ISLAND, SC (JULY 2011)

An Empirical Assessment of the Supreme Court's Use of Legal Scholarship

LAW & SOCIETY MEETING
SAN FRANCISCO, CA (JUNE 2011)

The PHOSITA Project
THE PATENT CONFERENCE
UNIVERSITY OF KANSAS
LAWRENCE, KA (APRIL 2011)

Legal Scholarship and the United States Court of Appeals for the Federal Circuit: An Empirical Study of a National Circuit
MISSOURI LAW REVIEW SYMPOSIUM
UNIVERSITY OF MISSOURI
COLUMBIA, MO (FEBRUARY 2011)

The Federal Circuit and Inequitable Conduct: An Empirical Study
CONFERENCE FOR EMPIRICAL STUDY OF PATENT LITIGATION
UNIVERSITY OF SAN DIEGO SCHOOL OF LAW
SAN DIEGO, CA (DECEMBER 2010)

Legal Scholarship and the United States Court of Appeals for the Federal Circuit: An Empirical Study of a National Circuit
PATENT LITIGATION ROUNDTABLE
NORTHWESTERN SCHOOL OF LAW
CHICAGO, IL (NOVEMBER 2010)

The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study
5TH ANNUAL CONFERENCE ON EMPIRICAL LEGAL STUDIES
YALE LAW SCHOOL
NEW HAVEN, CT (NOVEMBER 2010)

The Federal Circuit & Legal Scholarship: An Empirical Study of a National Circuit
MIDWEST LAW & SOCIETY RETREAT
UNIVERSITY OF WISCONSIN LAW SCHOOL
MADISON, WI (OCTOBER 2010)

Technological Disclosure & Patent Claim Scope
ANNUAL MEETING OF THE SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS
PALM BEACH, FLA (JULY 2010)

The Use of Legal Scholarship by the Federal Courts of Appeals
LAW & SOCIETY MEETING
CHICAGO, IL (JUNE 2010)

On the Development of Patent Jurisprudence
THE FEDERAL CIRCUIT AS AN INSTITUTION SYMPOSIUM
LOYOLA LAW SCHOOL
LOS ANGELES, CA (OCTOBER 2009)

On the Decline of the Doctrine of Equivalents
ANNUAL MEETING OF THE SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS
PALM BEACH, FLA (JULY 2009)

The Notice Function of Patents
FEDERAL TRADE COMMISSION: HEARING ON EVOLVING IP MARKETPLACE
HAAS SCHOOL OF BUSINESS
BERKELEY, CA (MAY 2009)

Functional Claiming
IP SPEAKER SERIES
CARDOZO LAW SCHOOL
NEW YORK, NY (APRIL 2009)

On Addressing Patent Quality

SYMPOSIUM ON THE FOUNDATIONS OF INTELLECTUAL PROPERTY REFORM
UNIVERSITY OF PENNSYLVANIA LAW SCHOOL
PHILA, PA (JANUARY 2009)

The Federal Circuit and the Development of Patent Law

THE LEGACY OF JUDGE HOWARD T. MARKEY
THE JOHN MARSHALL LAW SCHOOL
CENTER FOR INTELLECTUAL PROPERTY LAW
CHICAGO, IL (SEPTEMBER 2008)

Patent Law Uniformity?

INTELLECTUAL PROPERTY SCHOLARS CONFERENCE
STANFORD LAW SCHOOL
PALO ALTO, CA (AUGUST 2008)

Patent Law Uniformity?

ANNUAL MEETING OF THE SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS
PALM BEACH, FLA (JULY 2008)

Comments on Patent Reform

UNIVERSITY OF GEORGIA SCHOOL OF LAW
ATHENS, GA (MARCH 2008)

The Federal Circuit and the Doctrine of Equivalents

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW
SAN DIEGO, CA (NOVEMBER 2007)

The Federal Circuit and the Doctrine of Equivalents

INTELLECTUAL PROPERTY SCHOLARS CONFERENCE
DEPAUL UNIVERSITY
CHICAGO, IL (AUGUST 2007)

Technology Transfer and Intellectual Property: A Case for Collective Action

ASSOCIATION OF ACADEMIC HEALTH CENTERS
EXECUTIVE LEADERSHIP GROUP OF VICE PRESIDENTS FOR RESEARCH
WASHINGTON, DC (JUNE 2007)

Road Map to Revolution? Patent-Based Open Science

UNIVERSITY OF MAINE SCHOOL OF LAW
PORTLAND, ME (SEPTEMBER 2006)

The Federal Circuit and Patentability: An Empirical Assessment of the Law of Obviousness

INTELLECTUAL PROPERTY SCHOLARS CONFERENCE
UNIVERSITY OF CALIFORNIA
BERKELEY, CA (AUGUST 2006)

Road Map to Revolution? The Case for Patentleft in Biotechnology

TEMPLE LAW SCHOOL
PHILADELPHIA, PA (FEBRUARY 2006)

Positive Examination

INTELLECTUAL PROPERTY SCHOLARS CONFERENCE
CARDOZO LAW SCHOOL
NEW YORK, NY (AUGUST 2005)

Positive Examination

ST. LOUIS UNIVERSITY SCHOOL OF LAW
ST. LOUIS, MO (DECEMBER 2004)

A Proposal to Improve Clarity, Predictability, and Certainty in the Patent System
SOUTH TEXAS COLLEGE OF LAW
HOUSTON, TX (DECEMBER 2004)

A Proposal to Improve Clarity, Predictability, and Certainty in the Patent System
UNIVERSITY OF MARYLAND SCHOOL OF LAW
BALTIMORE, MD (NOVEMBER 2004)

TEACHING

PROPERTY LAW & POLICY

Fall 2005, Spring 2006, Fall 2006, Fall 2007, Fall 2008, Spring 2009, Fall 2009, Spring 2011, Fall 2011, Spring 2013, Spring 2014, Fall 2014, Fall 2015, Spring 2016, Fall 2017, Fall 2018, Fall 2019, Fall 2020, Spring 2020, Fall 2020, Spring 2021, Fall 2021, Spring 2023 (expected)

ADMINISTRATIVE LAW & POLICY

Spring 2010, Spring 2011, Spring 2012, Spring 2013, Spring 2014, Spring 2015, Spring 2016, Spring 2018, Spring 2021, Spring 2022

BIOLOGICAL FOUNDATIONS OF LAW

Fall 2014, Fall 2016, Fall 2017, Fall 2018, Fall 2020, Fall 2022, Spring 2023 (expected)

PATENT LAW & POLICY

Spring 2006, Spring 2007, Fall 2008, Fall 2009 (2 sections), Fall 2010, Fall 2011, Fall 2022 (UCLA)

LAND USE REGULATION

Fall 2022

INTELLECTUAL PROPERTY LAW & POLICY

Summer 2009, Summer 2010, Fall 2010, Summer 2011, Spring 2012, Summer 2012, Summer 2013

BIOTECHNOLOGY AND INTELLECTUAL PROPERTY RIGHTS

Spring 2007

ADVANCED TOPICS IN PATENT LAW

Spring 2009

GILES RICH MOOT COURT

2010, 2011, 2012

SERVICE

TENURE REVIEW COMMITTEE

2021-present

ACADEMIC STANDARDS AND GRADING COMMITTEE
2020-present

ENTRY LEVEL APPOINTMENTS COMMITTEE
2018-19

RESEARCH AND SABBATICALS GRANTS COMMITTEE
2013-present

RAINS AND DEANS FELLOWSHIPS COMMITTEE
2016-2017 (ex officio)

JSD CURRICULUM AND ASSESSMENT COMMITTEE
2017-present

INSTRUCTIONAL TECHNOLOGY COMMITTEE
2014-2016

LATERAL APPOINTMENTS COMMITTEE
2010-14

CURRICULUM COMMITTEE (Chair)
2008-2009

STRATEGIC PLANNING COMMITTEE
2008-2009

LOYOLA MARYMOUNT UNIVERSITY INTELLECTUAL PROPERTY POLICY
COMMITTEE
2007-present

LOYOLA MARYMOUNT UNIVERSITY INTELLECTUAL PROPERTY TASK FORCE:
TECHNOLOGY ENHANCED LEARNING
2015-17

CLERKSHIP COMMITTEE
2006-2008

BUDGET COMMITTEE
2006-2009

INTELLECTUAL PROPERTY SPECIAL FOCUS SERIES
Moderator, *The New Battleground: The Changing Face of Patent Litigation*, 2007

SAYRE MACNEIL SCHOLARS PROGRAM
Faculty Advisor, 2005-2006

LOYOLA INTELLECTUAL PROPERTY LAW STUDENTS ASSOCIATION
Faculty Advisor, 2005-2006, 2011-13

GILES S. RICH INTELLECTUAL PROPERTY MOOT COURT
Moot Judge, 2006-2008, Faculty Advisor 2009-2011

AD HOC IP COMMITTEE
2008-2010

OTHER
EMPLOYMENT

FINNEGAN HENDERSON, LLP
ASSOCIATE, 2002-2003
WASHINGTON, DC

UNIVERSITY OF PENNSYLVANIA CIVIL PRACTICE CLINIC
CERTIFIED LAW STUDENT, FALL 2001

HALE AND DORR, LLP
SUMMER ASSOCIATE, 2001
BOSTON, MA

FULBRIGHT & JAWORSKI, LLP
SUMMER ASSOCIATE, 2000, 2001
HOUSTON, TX

UNIVERSITY OF PENNSYLVANIA CENTER FOR TECHNOLOGY TRANSFER
STUDENT INTERN, SPRING 2001

BAYLOR COLLEGE OF MEDICINE
NIH RESEARCH TRAINEE, 1992-1999

SMITH COLLEGE
SALLY WILENS MEMORIAL FELLOW, 1991-1992
TEACHING FELLOW, 1990-1991

PROFESSIONAL
MEMBERSHIPS

ADMITTED TO PRACTICE: STATE OF NEW YORK, 3D DEPARTMENT

ADMITTED TO PRACTICE: COMMONWEALTH OF MASSACHUSETTS

ADMITTED TO PRACTICE: DISTRICT OF COLUMBIA

ADMITTED TO PRACTICE: UNITED STATES COURT OF APPEALS FOR THE FEDERAL
CIRCUIT

ADMITTED TO PRACTICE: UNITED STATES PATENT AND TRADEMARK OFFICE,
Reg. No. 51,051

MEMBER OF THE FEDERAL CIRCUIT BAR ASSOCIATION

MEMBER OF THE AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION