

# LEE PETHERBRIDGE PH.D.

PROFESSOR OF LAW  
VACHON RESEARCH FELLOW  
LOYOLA LAW SCHOOL | LOYOLA MARYMOUNT UNIVERSITY  
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## RECENT

LOYOLA LAW SCHOOL, LOS ANGELES  
PROFESSOR OF LAW AND VACHON RESEARCH FELLOW, 2008-  
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

*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)

### *Infringement*

RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW, P. Menell, D. Schwartz & B. Depoorter (eds), Edward Elgar Publishing, (forthcoming 2018) (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, (forthcoming 2018) (with Jason Rantanen)

*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 IP<sub>3</sub> Mass and IP<sub>3</sub> 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  $\alpha$ -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

*Legal Scholarship in Supreme Court Constitutional Decisionmaking: An Empirical Study* (with Kimberly West-Faulcon), draft available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2110347](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2110347).

*The PHOSITA Project*  
(with Andrew Torrance)

*Reexamination*  
(with R. Polk Wagner and Chris Cotropia)

### 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 &amp; 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

ADMINISTRATIVE LAW & POLICY

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

BIOLOGICAL FOUNDATIONS OF LAW

Fall 2014, Fall 2016, Fall 2017

PATENT LAW & POLICY

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

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

RESEARCH AND SABBATICALS GRANTS

2013-2017

RAINS AND DEANS FELLOWSHIPS

2016-2017 (ex officio)

JSD CURRICULUM AND ASSESSMENT

2017-present

INSTRUCTIONAL TECHNOLOGY

2014-2016

LATERAL APPOINTMENTS COMMITTEE

2010-present

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