

# Professor Amy L. Landers

## Contact information

Drexel University Thomas R. Kline School  
of Law  
3320 Market St, Philadelphia, PA 19104  
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## Expertise

Patents

Intellectual property

Patent infringement

International patent law

Remedies for patent infringement

Copyright

Trademark

Fashion Law

Property

Torts

International intellectual property law

Creativity and the law

Interpreting visual media in the legal  
context

## Academic Engagements

Drexel University Thomas R. Kline School of Law  
(2014-present) Associate Dean for Faculty Research/  
Director of the Intellectual Property Law  
Concentration/ Professor of Law

University of the Pacific McGeorge School of Law  
(2004-2014) Distinguished Professor of Law /  
Director of the Intellectual Property Concentration

Orrick (1994-2004) Silicon Valley Office  
Partner specializing in intellectual property  
litigation

## Publications

The Problem of Design Patents: Representation and  
Subject Matter Scope, 30 Texas Intellectual  
Property Law Journal 185 (2022)

The Patent System, Assistive Technologies, and the  
Developing World (book chapter) in ACCESSIBLE  
TECHNOLOGY AND THE DEVELOPING WORLD  
(Michael A. Stein and Jonathan Lazar, eds.)(Oxford  
U. Press 2021)

Where Code is Chaos: Content Platforms and  
Algorithmic Incentives, CARDOZO ARTS AND  
ENTERTAINMENT LAW JOURNAL (2021)

Hyperreal: Law and the Interpretation of Visual  
Media, 109 KENTUCKY LAW JOURNAL 127 (2021)

Reasonable Royalties in Patent Remedies and Complex Products: Toward a Global Consensus, 60 JURIMETRICS J. 389-95 (2020) (invited review of PATENT REMEDIES AND COMPLEX PRODUCTS: TOWARD A GLOBAL CONSENSUS (C. Bradford Biddle et al. eds., 2019)).

Proximate Cause and Patent Law, 25 BOSTON UNIVERSITY JOURNAL OF SCIENCE AND TECHNOLOGY LAW 101 (2019)

A Comparative Approach to the Inventive Step (book chapter) in RESEARCH HANDBOOK ON PATENT LAW AND THEORY 2<sup>nd</sup> ed. (Toshiko Takenaka, ed. Edward Elgar Pub. 2019)

INTELLECTUAL PROPERTY AND THE PUBLIC DOMAIN, co-edited with Prof. Robert Merges (2017)(edited volume)

UNDERSTANDING PATENT LAW Carolina Academic Press (3rd ed. 2017)

U.S. Patent Extraterritoriality within the International Context, 36 THE REVIEW OF LITIGATION-THE BRIEF (2016)

The Interconnections between Entrepreneurship, Science, and the Patent System, 2016 UTAH LAW REVIEW 631 (2016)

Patentable Subject Matter as a Policy Driver, 53 HOUSTON LAW REVIEW 505 (2015)

Private Value Determinations and the Potential Effect on the Future of Research and Development, 19 CHAPMAN LAW REVIEW 647 (2015)

The Anti-Patent: A Proposal for Startup Immunity, Landers, Amy L., The Anti-Patent: A Proposal for Startup Immunity, 93 NEBRASKA LAW REVIEW 950 (2015)

The Anti-Economy of Fashion, An Openwork Approach to Intellectual Property Protection, 24 FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL 427 (2014)

The Inventive Step and Cooperative Harmonization (book chapter) in IP SYSTEMS IN COMMON LAW AND CIVIL LAW COUNTRIES (Toshiko Takenaka, ed.)(Edward Elgar Press 2013) (in English and Japanese)

Book Review: Justifying Intellectual Property by Robert P. Merges (book review) in *THE IP LAW BOOK REVIEW* (2012)

Patent Claim Apportionment, Patentee Injury, and Sequential Invention, 19 *GEORGE MASON LAW REVIEW* 491 (2012)

Ordinary Creativity in Patent Law: The Artist Within the Scientist, 75 *MISSISSIPPI LAW REVIEW* 1 (2010)

Patent Valuation Theory and the Economics of Improvement, 88 *TEXAS LAW REVIEW - SEE ALSO* 163 (2010)

*GLOBAL ISSUES IN INTELLECTUAL PROPERTY LAW* (West Publishing 2010) co-authored book with John T. Cross, Michael Mireles, and Peter Yu

*GLOBAL ISSUES IN PATENT LAW* (West Publishing 2010) co-authored book with Martin Adelman, Shubha Ghosh, and Toshiko Takenaka

Liquid Patents, 84 *DENVER UNIVERSITY LAW REVIEW* 199 (2007)

Let the Games Begin: Incentives to Innovation in the New Economy of Intellectual Property Law, 46 *SANTA CLARA LAW REVIEW* 307 (2006)

Book Review: Technology Law by Mark Grossman, 15 *INTERNATIONAL JOURNAL OF LAW AND INFORMATION TECHNOLOGY* 229 (2006)

Intentional Waivers of Privilege and the Opinion of Counsel: Can the Scope of Disclosure Be Managed?, 20 *SANTA CLARA COMPUTER & HIGH TECH. LAW JOURNAL* 765 (March 2004)

The Current State of Moral Rights Protection for Visual Artists in the United States, 15 *Hastings Communications and Entertainment Law Journal* 165 (1992).

## **Presentations**

The Patent System, Assistive Technologies, and the Developing World (panel), Harvard Law School Library Book Talk, Harvard Law School (September 9, 2021)

Design Patents: Representation as Subject Matter Scope, Intellectual Property Scholar's Conference, Cardozo School of Law (August 5, 2021)

Supreme Court and Legislative Update (panel), 2021 Southeastern Association of Law Schools (July 27, 2021)

Supreme Court Update American Intellectual Property Law Virtual Spring Meeting 2021 (May 11, 2021)

Where Code is Chaos, Symposium: The Piracy Paradox in an Era of Disruption, hosted by the Cardozo School of Law's Arts & Entertainment Law Journal (April 22, 2021)

Patent Damages Roundtable, University of Texas Law (January 30, 2020)

Are Intellectual Property Rights Still Torts?, Intellectual Property Section, American Association of Law Schools (AALS) Annual Meeting (January 4, 2020)

Patent Damages Roundtable, Stanford Law School, Stanford, CA (September 4, 2019)

Hyperreal: Intellectual Property and the Interpretation of Visual Media, at Intellectual Property and the Visual, Nineteenth Annual Intellectual Property Scholar's Conference, DePaul University School of Law (August 2019)

Presenter: Hyperreal: Intellectual Property and the Interpretation of Visual Media, at Intellectual Property and the Visual, The International Society for the History and Theory of Intellectual Property (ISHTIP) (UTS Faculty of Law, Sydney, Australia) (July 2019)

Mid-Year in Review Plenary Session (Patents), 2019 Spring Meeting of the American Intellectual Property Law Association (AIPLA) (May 2019)

WesternGeco, Proximate Cause, and Patent Law, Symposium: Intellectual Property in a Globalized Economy: United States Extraterritoriality in International Business, co-sponsored by the Boston University Journal of Science and Technology Law and International Law Journal, Boston University School of Law (February 15, 2019)

Ordinary Creativity: The Artist and the Scientist, 12th Annual International Workshop on Design Theory, The Design Society: Special Interest Group of the Design Society held at Mines ParisTech, Paris, France (January 28, 2019)

Patent Damages Panel, The Role of the Courts in Patent Law & Policy, 10th Annual Conference hosted by UC Berkeley Law and Georgetown Law, at Georgetown Law (November 16, 2018)(moderator)

Proximate Cause and Patent Law, Seventh Annual Mid-Atlantic Patent Works-In-Progress (MAPWIP) Colloquium American University School of Law (September 28, 2018)

Proximate Cause in Patent Law, Eighteenth Annual Intellectual Property Scholar's Conference, UC Berkeley School of Law) (August 9, 2018)

Powering Change: Women in Innovation and Creativity, World Intellectual Property Day, Drexel Kline Institute of Trial Advocacy (April 26, 2018)

Discovery and Patent Litigation, Stanford Patent Law Symposium, Stanford Law School (May 11, 2017)

Patent Damages without Borders, Patent Damages Conference, University of Texas (Austin) Law (June 9-10, 2016)(commentator)

Responding to Intellectual Property Trolls, 18th Annual Symposium on Intellectual Property Law and Policy, University of Akron School of Law (March 2016)(moderator)

Damages on Extraterritorial Sales after Carnegie Mellon, Intellectual Property Owner's Association (IPO) Chat Channel Webinar (February 2016)

Patent Thickets, at "Future World IP: Legal Responses to the Tech Revolution," University of Denver Sturm College of Law (February 2016)

Entrepreneurship, Science, and the Patent System, at the Legal Innovation and Modern Entrepreneurship Symposium, University of Utah Quinney School of Law (October 2015)

Patentable Subject Matter as a Policy Driver, University of Houston Law Center's Institute for Intellectual Property & Information Law Symposium (May 2015)

Private Value Determinations and the Future of Research and Development, Yale Law School Information Society Project Ideas Series (April 2015)

Private Value Determinations and the Future of Research and Development, “Trolls or Toll-Takers: Do Intellectual Property Non-Practicing Entities Add Value to Society?” Chapman Law Review Symposium (January 2015)

Exploring Patent Immunity for Start-ups, Patcon 4 at the University of San Diego Law School (April 2014)

Patent Trolls and Patent Reform, Stanford Law School (March 2014)

Patent Club Convergence among Countries, Thirteenth Intellectual Property Scholar’s Conference at Cardozo Law (August 2013)(commentator)

Solutions to the Patent Problem Conference, Santa Clara Law School (November 2012)(commentator)

The Space Between: An Open Work Approach to IP Protection, Twelfth Intellectual Property Scholar’s Conference, Stanford University Law School (August 2012)

Patent Prosecution: Recent Case Law Developments that Will Impact Your Practice, American Intellectual Property Law Association (AIPLA), Webinar (September 2011)

A Promising Field of Endeavor: A Grounded Approach to Patentability, Eleventh Annual Intellectual Property Scholar’s Conference, DePaul University School of Law (August 2011)

A Promising Field of Endeavor, Law and Society Annual Meeting, San Francisco, CA (June 2011)

Patent Damages Update, American Intellectual Property Law Association (AIPLA) Spring 2011 Meeting (San Francisco, May 2011)

Theorizing Patentee Injury: Apportioning Claims for Reasonable Royalty Compensation, “Samsung-Stanford Conference on Patent Remedies,” Stanford University (February 2011)

Patent Damages, co-presented with Mark Lemley (Stanford Law) and Robert Merges (University of California, Berkeley Law) “The Evolving Law of Patent Damages,” Federal Bar Ass’n Meeting, University of California, Berkeley (October 2010)

International Patent Law Update, 2010 Joint Meeting of the Washington State Patent Lawyers Association/Oregon State Patent Lawyers Association, Salishan, Oregon (April 2010)

Ordinary Creativity: The Artist Inside the Scientist, “Sixth Annual Works in Progress Intellectual Property Colloquium,” Tulane University Law School (October 2008)

Ordinary Creativity: The Artist Inside the Scientist, Eighth Intellectual Property Scholars Conference,” Stanford Law School (August 2008)

Liquid Patents and Market Power, “8th Annual Intellectual Property Symposium” University of Texas School of Law (February 2007)

Let the Games Begin: Incentives to Innovation in the New Economy of Intellectual Property Law, Fifth Intellectual Property Scholars Conference at Cardozo Law (August 2005)

### **Concurrent Teaching Engagements**

- University of Florida Levin College of Law Visiting Professor of Law (Fall 2012) Taught Copyright and International Intellectual Property
- University of Salzburg (Austria) (Fall 2011) Taught International Intellectual Property
- University of Utah/ S.J. Quinney School of Law, Visiting Professor (2008-2009 academic year) Taught Patent Law, Intellectual Property Survey, Intellectual Property Seminar, and Torts

### **Education**

University of California, Hastings College of Law, J.D. magna cum laude, Order of the Coif, 1993

- Constitutional Law Quarterly (member, 1992-1993)
- Hastings Communications and Entertainment Law Journal (member, 1991-1992)

Rochester Institute of Technology, B.A. Photographic Illustration

- Created visual works
- Courses in science, visual communication, and the history of photography

## Legal practice

Orrick LLP Silicon Valley Office

Partner (2001-2004) / Associate (1994-2001)

- Intellectual property litigation partner. Focused primarily on large-scale patent, copyright, antitrust, fraud, trade secret, and trademark cases. Performed all phases of litigation, from the pre-filing investigation of litigation, discovery, motion practice, trial, and appeal.
- Set and implemented strategy for the successful resolution of cutting-edge technology cases.
- Worked closely with high-technology clients to set intellectual property strategy and goals, including Microsoft, Affymetrix, and NCR.
- Managed teams of attorneys for large-scale matters.
- Co-management responsibilities as partner in the Silicon Valley office.

Federal Judicial Law Clerk, U.S. District Court / Eastern District of California (1993-1994) Hon. Oliver W. Wanger (Ret.)

Kindel and Anderson San Francisco, CA (Summer 1991) Summer Associate