

# Amy L. Landers

## *Contact information*

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Kline School of Law  
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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

Professor of Law / Drexel University Thomas R. Kline School of Law  
(with tenure) (2014-present) *Director of the Intellectual Property Law  
Concentration*

Professor of Law / University of the Pacific McGeorge School of Law  
(2004-2014)

- Distinguished Professor of Law with tenure
- Director of the Intellectual Property Concentration

Former concurrent engagements:

- University of Florida Levin College of Law Visiting Professor of  
Law (Fall 2012)
- University of Salzburg (Austria) (Fall 2011)
- University of Utah/ S.J. Quinney School of Law, Visiting  
Professor (2008-2009 academic year)

## Education

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

Rochester Institute of Technology, B.A. Photographic  
Illustration

## Publications

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*Proximate Cause and Patent Law*, 25 BOSTON UNIVERSITY JOURNAL OF SCIENCE AND TECHNOLOGY LAW \_\_ (forthcoming 2019)

*A Comparative Approach to the Inventive Step* (book chapter), in PATENT LAW AND THEORY (Toshiko Takenaka, ed.)(forthcoming 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)(book/solo author)

*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).

### Selected Presentations

*Author 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)

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

*Presenter: 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)

*Presenter: 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)

*Moderator: 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)

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

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

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

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

*Commentator:* Patent Damages without Borders, Patent Damages Conference, University of Texas (Austin) Law (June 9-10, 2016).

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

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

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

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

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

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

*Presenter:* 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)

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

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

*Commentator:* 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)

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

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

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

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

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

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

*Presenter:* 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)

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

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

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

*Presenter:* Liquid Patents and Market Power, "8th Annual Intellectual Property Symposium" University of Texas School of Law (February 2007)

*Presenter: 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)*

## Legal Practice

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Orrick, Herrington & Sutcliffe, LLP

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 pre-filing investigation, discovery, motion practice, trial, and appeal.
- Set strategy for successful resolution 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.)