

## JOSEPH SCOTT MILLER

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### Experience

Professor, University of Georgia School of Law, June 2011 – Present  
*Current Courses* – Antitrust, Corporations, IP Law Survey, Patent Law  
*Committees* – Institutional Assessment (2015-18), Faculty Affairs (2015-present)  
*Student Advising* – Journal of IP Law, IP Law Society, OUTLaw  
Faculty Director, Georgia Law at Oxford Program, Aug 2015 – Aug 2017  
Chair, IP Law Section, Association of American Law Schools, 2017

Professor, Lewis & Clark Law School, June 2002 – May 2011

Visiting Ass't Professor, Northwestern U. Law School, June 2001 – May 2002

Attorney, Antitrust Div'n, U.S. Dep't of Justice, July 2000 – May 2001

Associate, Sidley Austin, Chicago & DC, Sept 1996 – June 2000

Law Clerk, Judge Paul Michel, U.S. Court of Appeals for the Federal Circuit,  
Washington, DC, Aug 1994 – Aug 1996

### Education

Northwestern University, Chicago, IL  
Juris Doctor, *cum laude*, 1994; Articles Ed., *Nw. U. Law Review*

Northwestern University, Evanston, IL  
Master of Science in Social Psychology, 1991

St. John's College, Annapolis, MD  
Bachelor of Arts in Liberal Arts, 1989  
Silver Medalist (graduating student with the highest academic standing)

### Web

*Oral Argument* Podcast, Dec 2013 – Present  
Co-host and co-founder, with Prof Christian Turner  
[www.oralargument.org](http://www.oralargument.org)

Semaphore Press Inc., Aug 2008 – Present  
Co-owner and co-founder, with Prof Lydia Loren  
[www.semaphorepress.com](http://www.semaphorepress.com)

## Publications

*Two Centuries of Trademark and Copyright Law: A Citation-Network Analysis Approach*, 19 CHI.-KENT J. INTELL. PROP. \_\_\_ (forthcoming 2020)

*U.S. Supreme Court I.P. Cases, 1810-2019: Measuring & Mapping the Citation Networks*, 69 CATH. U. L. REV. \_\_\_ (forthcoming 2020)

*Law's Semantic Self-Portrait: Discerning Doctrine with Co-citation Networks and Keywords*, 81 U. PITT. L. REV. 1 (2019)

*Brandeis's IP Federalism: Thoughts on Erie at Eighty*, 52 AKRON L. REV. 367 (2018)

*Charting Supreme Court Patent Law, Near and Far*, 17 CHI.-KENT J. INTELL. PROP. 377 (2018)

*Which Supreme Court Cases Influenced Recent Supreme Court IP Decisions? A Citation Study*, 21(2) UCLA J.L. & TECH. 1 (2017)

*Reasonable Certainty & Corpus Linguistics: Judging Definiteness after Nautilus & Teva*, 66 KANSAS L. REV. 39 (2017)

*The Immorality of Requesting Expedited Review*, 21 LEWIS & CLARK L. REV. 211 (2017)

*Abercrombie 2.0—Can We Get There From Here? Thoughts on “Suggestive Fair Use,”* 77 OHIO ST. L.J. FURTHERMORE 1 (2016)

*The Idea of the Casebook: Pedagogy, Prestige, and Trusty Platforms*, 11 WASH. J.L. TECH. & ARTS 31 (2015), with Lydia Loren [ symposium on “disruptive publishing models” ]

INTELLECTUAL PROPERTY LAW: CASES & MATERIALS  
(5th ed. 2017), with Lydia Loren

PATENT LAW: CASES & MATERIALS (2d ed. 2015)

*Error Costs & IP Law*, 2014 U. ILL. L. REV. 175

*Joint Defense or Research Joint Venture? Reassessing the Patent-Challenge-Bloc's Antitrust Status*, 2011 STANFORD TECH. L. REV. 5

*Substance, Procedure, and the Divided Patent Power*, 63 ADMIN. L. REV. 31 (2011)

*Bilski v. Kappos: Everything Old is New Again*, 15 LEWIS & CLARK L. REV. 1 (2011)

PATENTS (2010) (collection of patent law reprints with an original introduction; part of E. Elgar Publishing's *Critical Concepts in Intellectual Property Law* series)

*Hoisting Originality*, 31 CARDOZO L. REV. 451 (2009)

*Level of Skill and Long-felt Need: Notes on a Forgotten Future*,  
12 LEWIS & CLARK L. REV. 579 (2008)

*Remixing Obviousness*, 16 TEXAS INTELL. PROP. L.J. 237 (2007)

*Standard Setting, Patents, and Access Lock-In: RAND Licensing  
and the Theory of the Firm*, 40 INDIANA L. REV. 351 (2007)

*Patent Ships Sail an Antitrust Sea*, 30 SEATTLE U. L. REV. 395 (2007)

*Nonobviousness: Looking Back and Looking Ahead*, in 2 INTELLECTUAL  
PROPERTY & INFORMATION WEALTH 1 (Peter Yu ed., 2007)

*Foreword: Why Open Access to Scholarship Matters*,  
10 LEWIS & CLARK L. REV. 733 (2006)

*The Proven Key: Roles and Rules for Dictionaries at the Patent Office and  
the Courts*, 54 AM. U. L. REV. 829 (2005), with James Hilsenteger

*Enhancing Patent Disclosure for Faithful Claim Construction*,  
9 LEWIS & CLARK L. REV. 177 (2005)

*Building a Better Bounty: Litigation-Stage Rewards for Defeating  
Patents*, 19 BERKELEY TECH. L.J. 667 (2004)

*This Bitter Has Some Sweet: Potential Antitrust Enforcement Benefits from  
Patent Law's Procedural Rules*, 70 ANTITRUST L.J. 875 (2003)

*Allchin's Folly: Exploding Some Myths About Open Source Software*,  
20 CARDOZO ARTS & ENT. L.J. 491 (2002)

*The Expert as Educator*, in EXPERT WITNESSES IN CHILD ABUSE  
CASES (Ceci & Hembrooke eds., 1998), with Ronald J. Allen

*Muddy Waters: Infringement Analysis After Markman and Warner-Jenkinson*,  
7 FED. CIR. B.J. 227 (1997), with Clyde Willian

*The Expert as Educator: Enhancing the Rationality of Verdicts in Child Sex Abuse  
Prosecutions*, 1 PSYCHOL., PUB. POL'Y, & L. 323 (1995), with Ronald J. Allen

*The Common Law Theory of Experts: Deference or Education?*,  
87 NW. U. L. REV. 1131 (1993), with Ronald J. Allen