

JOSEPH SCOTT MILLER

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University of Georgia School of Law, Athens, GA
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Experience

Ernest P. Rogers Chair of Intellectual Property & Unfair Competition Law
University of Georgia School of Law, June 2011 – Present
Current Courses – IP Law, Corporations, Common Law Jurisprudence
Committees – Faculty & Student Affairs (2015-present), Assessment (2015-18)
Student Advising – IP Law Society, OUTLaw

Member, American Law Institute, December 2021 – Present

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

Semaphore Press Inc., Aug 2008 – Present
Co-owner and co-founder, with Prof Lydia Loren
www.semaphorepress.com

Publications

A Judge Never Writes More Freely: A Separate-Opinions Citation-Network Approach to Assessing Judicial Ideology, 2022 Mich. St. L. Rev. ___ (forthcoming)

Two Centuries of Trademark and Copyright Law: A Citation-Network Analysis Approach, 20 CHI.-KENT J. INTELL. PROP. 336 (2020)

U.S. Supreme Court I.P. Cases, 1810-2019: Measuring & Mapping the Citation Networks, 69 CATH. U. L. REV. 537 (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

Presentations

At the End of the Beginning: Thoughts on the New Case Law Citation Networks, March 4, 2022, Picturing Truth: Law, Truth & Visual Images, Kline School of Law, Drexel University (by Zoom)

A Judge Never Writes More Freely: A Separate-Opinions Citation-Network Approach to Assessing Judicial Ideology, December 9, 2021, invited colloquium speaker at Insper's Law Faculty, Sao Paulo, Brasil (by Zoom)

"Justice X, dissenting": A Citation-Network Approach to Mapping Ideology, Spring 2020, Online Workshop on the Computational Analysis of Law, Convenor: Prof. Michael Livermore, University of Virginia Law School

Two Centuries of Trademark and Copyright: A Citation-Network-Analysis Approach, 10th Annual Supreme Court IP Review, IIT Chicago-Kent Law School, 2019

U.S. Supreme Court I.P. Cases, 1810-2018: Measuring & Mapping the Citation Networks, Data Science & Law Conference, ETH (Swiss Federal Institute of Technology), Zurich, Switzerland, Spring 2019

IP Law's Semantic Self-Portrait: A Co-Citation Analysis, Text Analysis & Law, Northwestern University School of Law, Spring 2019

Our I.P. Federalism: Thoughts on Erie at Eighty, Erie at Eighty: Choice of Law Across Disciplines. University of Akron School of Law, Fall 2018

IP Law's Semantic Self-Portrait: A Co-Citation Analysis, 18th Annual IP Scholars Conference, UC Berkeley Law School, Summer 2018

Panel member, *Does the Antitrust Status Quo Harm Artists?*, Artists' Rights Symposium, UGA, Terry College of Business, 2018

Mapping IP Law: A Co-Citation Study of Supreme Court Cases, Georgia IP Scholars Workshop, Emory Law School, 2017

The Legal Process & Penalty Defaults: Thoughts on Patent Jurisprudence, 17th Annual IP Scholars Conference, Cardozo Law School, Summer 2017

Senior Scholar Discussant, 9th Annual Junior/Senior Scholars in IP Workshop, Michigan State University Law School, 2017

Thoughts on the New Patent Jurisprudence: Legal Process & Penalty Defaults, 19th Annual Symposium on IP Law & Policy, University of Akron Law School, Fall 2017

Reasonably Certain Claim Scope After Teva, Nautilus, and Festo, 6th Annual IP Scholars' Roundtable, University of New Hampshire Law School, Fall 2016

Reasonably Certain Claim Scope After Teva, Nautilus, and Festo, Oregon Patent Law Association, Fall 2016

Legal Process & Penalty Defaults: Thoughts on the New Patent Jurisprudence, Intellectual Property in the Trees, Lewis & Clark Law School 2016-17 Series

Thinking Outside the Book: Teaching IP With Nontraditional Materials, with Megan Carpenter and Zahr Said, AALS 2015 Annual Meeting

Reasonably Certain Notice: Judging Patent Claims After Nautilus & Festo, 12th annual Works-in-Progress Intellectual Property Conference, USPTO, Feb 5, 2015

Error Costs & IP Law, Oxford Intellectual Property Invited Speaker Seminar Series, St. Peter's College, Oxford University, Jan 24, 2013

Error Costs & IP Law, University of Michigan Law School IP Colloquium, Dec 5, 2012

Function Talk in Patent Claims: Categorizing, Construing, and Erring on the Side of Caution, PatCon2, Boston College Law School, May 11, 2012

Discussant, *Convening Cultural Commons*, Engelberg Center on Innovation Law & Policy, NYU Law School, Sept 23-24, 2011

Substance, Procedure, and the Divided Patent Power, Fall 2009 Intellectual Property Workshop Series, Dinwoodey Center for Intellectual Property Studies, George Washington University Law School, Nov 5, 2009

Hoisting Originality, University of Richmond Law School, Intellectual Property Institute's Inaugural Virtual Workshop, Apr 6-14, 2009

Licensing Consequences of MedImmune, FTC Hearing: The Evolving IP Marketplace, Dec 5, 2008

Hoisting Originality, Works in Progress I.P. Conference, Tulane Law School, Oct 3, 2008

Remixing Obviousness, 7th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Aug 9, 2007

What If Joe Meigs Had Written the Nonobviousness Statute?, 4th Annual IP & Communications Law Program Symposium: "What Ifs and Other Alternative IP & Cyberlaw Stories," Michigan State University Law School, March 30, 2007

Nonobviousness, Situationism, and the Banality of Invention, 7th Annual CIPLIT Symposium: "Patents & Progress: Reflections in the Midst of Change," DePaul University Law School, March 16, 2007

Panelist, *Willfulness After Knorr-Bremse*, Judicial Conference of the U.S. Court of Appeals for the Federal Circuit, Washington, DC, May 19, 2006

Panelist, *Patents & Competition: Are We Moving in the Right Direction?*, At the Intersection of Antitrust and Intellectual Property Law: Looking Both Ways to Avoid a Collision, Seattle University Law School, Apr 7, 2006

Standard Setting, Patents, and Access Lock-In: RAND Licensing and the Theory of the Firm, 33rd Annual TPRC Research Conference on Communication, Information, and Internet Policy, George Mason University Law School, Sept 23-25, 2005

Panelist, *Roundtable: Patent Analysis as a Part of Antitrust Enforcement*, The Berkeley Conference on Antitrust in the Technology Economy (co-sponsored by the ABA's Antitrust and I.P. Sections and Berkeley's Competition Policy Center), June 9-10, 2005

The Proven Key: Roles & Rules for Dictionaries at the Patent Office and the Courts, 4th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Aug 2, 2004

The Proven Key: Roles & Rules for Dictionaries at the Patent Office and the Courts, Spring 2004 Intellectual Property Workshop Series, Dinwoodey Center for Intellectual Property Studies, George Washington University Law School, March 25, 2004

Building a Better Bounty: Litigation-Stage Rewards for Defeating Patents, 3rd Annual Intellectual Property Scholars Conference, University of California at Berkeley School of Law, Aug 8-9, 2003

This Bitter Has Some Sweet: Antitrust Enforcement Benefits from Patent Law's Procedural Rules, USDOJ / FTC Joint Hearings on Competition and I.P. Law and Policy in the Knowledge-Based Economy, May 14, 2002