

**Robin Feldman**  
**Arthur J. Goldberg Distinguished Professor of Law**  
**Director, Center for Innovation**  
**University of California Hastings College of the Law**

***Education:***

Stanford Law School, J.D.

Urban A. Sontheimer Award (graduating second in class)

Order of the Coif

Articles Department, Stanford Law Review

Hilmer Oehlmann Jr. Prize (legal research and writing)

Stanford University, B.A.

Phi Beta Kappa

Degree Awarded with Distinction

Dean's Award for Community Service

Law Clerk, The Honorable Joseph T. Sneed, U. S. Court of Appeals, 9<sup>th</sup> Cir.

***Honors:***

Elected Member of the American Law Institute (2012); appointed as advisor to the ALI Restatement of Copyright (2015).

Named one of the Women Leaders in Law & Tech, the only academic to receive the honor in that year (American Lawyer Publications 2016).

Visionary Award presented by the UC Hastings Board of Directors (2012).

William Rutter Award for Excellence in Teaching, UC Hastings (2009).

1066 Foundation Award for Scholarship (2004)

***Books:***

DRUGS, MONEY & SECRET HANDSHAKES: THE UNSTOPPABLE GROWTH OF PRESCRIPTION DRUG PRICES (Cambridge 2019)

DRUG WARS: HOW BIG PHARMA RAISES PRICES AND KEEPS GENERICS OFF THE MARKET (Cambridge 2017).

RETHINKING PATENT LAW (Harvard 2012).

THE ROLE OF SCIENCE IN LAW (Oxford 2009).

***Book Chapters:***

Competition at the Dawn of Artificial Intelligence, *in* THE EFFECTS OF DIGITIZATION, GLOBALIZATION AND NATIONALISM (Bjorn Lundqvist and Michal S. Gal eds., Edward Elgar 2019) (peer reviewed), with Nick Thieme.

Coming to the Community, *in* IMAGINING NEW LEGALITIES, AMHERST SERIES IN LAW, JURISPRUDENCE, AND SOCIAL THOUGHT (Austin Sarat ed., Stanford 2012).

Patent Misuse: From Inception to Modern Case Law, *in* INTELLECTUAL PROPERTY & INFORMATION WEALTH (Peter K. Yu ed., Praeger Publishers, 2007).

***Key Articles:***

Devil in the Tiers

Naked Price and Pharmaceutical Trade Secret Overreach, **Yale J. of L. & Tech.** (2020).

The Cancer Curse: Regulatory Failure by Success, **Columbia Science and Tech. L. Rev.** (2020).

Perverse Incentives: Why Everyone Prefers High Drug Prices—Except for Those Who Pay the Bills, **Harvard J. on Legis.** (2020).

Artificial Intelligence in the Health Care Space: How We Can Trust What We Cannot Know, **Stanford Law & Pol. Rev.** (2019)., with Kara Stein and Ehrik Aldana.

The Sound & Fury of Patent Activity, **Minnesota L. Rev.** (2019), with Mark A. Lemley.

May Your Drug Price Be Ever Green, **Oxford J. Law & Biosciences** (2018) (peer-reviewed).

Is Patent Enforcement Efficient?, **Boston Univ. L. Rev.** (2018), with Mark A. Lemley.

Artificial Intelligence: The Importance of Trust & Distrust, **Green Bag 2d** (2018) (peer-reviewed).

A Citizen's Pathway Gone Astray, **New England Journal of Medicine** (2017), with Connie Wang.

Empirical Evidence of Drug Pricing Games, **Stanford Tech. L. Rev** (2017), with Evan Frondorf, Andrew Cordova, and Connie Wang.

Regulatory Property: The New IP, **Columbia J.L. & Arts** (2016).

Patent Licensing, Technology Transfer and Innovation, **AM. ECON. REV.** (2016), with Mark A. Lemley.

Drug Wars: A New Generation of Generic Pharmaceutical Delay, **HARVARD J. ON LEGIS.** (2016), with Evan Frondorf.

The CRISPR Revolution: What Editing Human DNA Reveals About the Patent System's DNA, **UCLA L. Rev.** (2016).

Do Patent Licensing Demands Mean Innovation?, **IOWA L. REV.** (2015), with Mark A. Lemley.

Federalism, First Amendment & Patents: The Fraud Fallacy, **COLUMBIA SCI. & TECH. L. REV.** (2015).

Patent Demands and Initial Public Offerings, **STANFORD TECH. L. REV.** (2015), with Evan Frondorf.

Patent Demands & Startup Companies: The View from the Venture Capital Community, **YALE J.L & TECH.** (2014).

Transparency **VIRGINIA. J.L. & TECH.** (2014).

Patent Trolling: Why Bio & Pharmaceuticals Are at Risk, **Stanford Tech. L. Rev.** (2014), with W. Nicholson Price.

Human Cells & Cultural Property, **INT’L J. CULTURAL PROP.** (2014).

The America Invents Act 500 Expanded: Effects of Patent Monetization Entities, **UCLA J.L. & TECH.** (2013), with Tom Ewing & Sara Jeruss.

Intellectual Property Wrongs, **STANFORD J. OF L., BUS. & FIN.** (2013).

Copyright at the Bedside: Should We Stop the Spread? **STANFORD TECH. L. REV.** (2013), with John Newman.

The Giants Among Us, **STANFORD TECH. L. REV.** (2012), with Tom Ewing.

The America Invents Act 500: Effects of Patent Monetization Entities on US Litigation, **DUKE L & TECH. REV.** (2012), with Sara Jeruss & Joshua Walker.

Whose Body Is It Anyway? Human Cells and the Strange Effects of Property and Intellectual Property Law, **STANFORD L. REV.** (2011).

Rethinking Rights in Biospace, **S. CAL. L REV.** 1 (2005).

Defensive Leveraging in Antitrust, **GEORGETOWN L.J.** (1999).

### ***Other Articles:***

Pharmaceutical “Pay-for-Delay” Reexamined: A Dwindling Practice or a Persistent Problem?, **Hastings L. J.** (2020), with Laura Karas and Gerard Anderson.

Viral Licensing: Ensuring the Public Interest When Taxpayers Fund Pharmaceutical Research, **Santa Clara L. Rev.** (2019).

The Fatal Attraction of Pay-for-Delay, **Chicago Kent J. of IP** (2019), with Prianka Misra.

Identifying Extensions of Protection in Prescription Drugs: Navigating the Data Landscape for Large-Scale Analysis, **The Inter-University Consortium for Political and Social Research** (2018), with Connie Wang & Nick Thieme.

Pharmaceutical Industry Funding to Patient Advocacy Organizations, **Hastings Int’l & Comparative L. Rev.** (2019), with Laura Karas et al.

The Arc of History in Patent Subject Matter, **HASTINGS SCI. & TECH. L.J.** (2019).

Federalism, Patents, and the Constitutionality of State Pharmaceutical Regulation, **Rutgers Computer & Tech. L.J.** (2018), with Betty Rowe et. al.

Identifying Extensions of Protection in Prescription Drugs: Navigating the Data Landscape for Large-Scale Analysis, **Inter-University Consortium for Political and Social Research** (2018).

The Gender Gap in Startup Catalyst Organizations: Bridging the Divide Between Narrative and Reality, **Oregon Law Rev.** (2017), with Alice Armitage and Connie Wang.

Learning from Past Mistakes – The US Patent System and International Trade Agreements, *in* Megaregionalism: Innovation and Trade Within Global Networks (Imperial College Press 2016).

Exceptions to the Rule: Considering the Impact of Non-Practicing Entities and Cooperative Regulatory Processes in the Update to the Antitrust Guidelines for the Licensing of Intellectual Property, **J. of the Antitrust, UCL, and Privacy Section of the State Bar of Cal.** (2016).

The FTC Report on Patent Assertion Entities: Lifting the veil, **ABA Public Domain** (2016).

Open Letter on Ethical Norms in Intellectual Property Scholarship, **HARVARD J.L. & TECH.** (2016), with Mark A. Lemley et al.

Dolly the Sheep: A Cautionary Tale, **Yale J.L. & Tech.** (2016).

A More Practical Model for Law Schools, **Harvard Bus. Rev.** (2015), with Alice Armitage.

Universities and Patent Demands, **Oxford J.L. & Bioscience** (2015), with Andrew Cordova (peer reviewed).

Startups and Unmet Legal Needs, **UTAH L. REV.** 2016), with Alice Armitage et al.

The Pace of Change **CHAP. L. REV.** (2015).

Gene Patenting After the U.S. Supreme Court Decision – Does *Myriad* Matter, **STANFORD L.& POL'Y REV.** (2014).

Coming of Age for the Federal Circuit, **GREEN BAG** (2014) (peer reviewed).

Ending Patent Exceptionalism & Structuring the Rule of Reason: The Supreme Court Opens the Door for Both, **MINN. J.L. SCI. & TECH** (2014).

A Conversation in Judicial Decision-Making, **HASTINGS SCI. & TECH. L.J.** (2013).

For the Love of Licensing, **VIRGINIA J.L. & TECH.** 178 (2013).

Understanding and Incentivizing Biosimilars, **HASTINGS L.J.** (2012), with Jason Kanter.

Copyright and Open Access at the Bedside, **NEW ENGLAND JOURNAL OF MEDICINE** (2011), with John Newman.

The Intellectual Property Landscape for iPS Cells, **STANFORD J.L. SCI. & POL'Y** (2010) (peer reviewed), with Deborah Furth.

The Role of the Subconscious in Intellectual Property Law, **HASTINGS SCI. & TECH. L.J.** 2 (2010).

Historic Perspectives on Law and Science, **STANFORD TECH. L. REV.** (2009).

Law's Misguided Love Affair with Science, **MINN. J.L. SCI. & TECH.** (2009) (peer reviewed).

Plain Language Patents, **TEXAS I.P.L.J.** (2009).

Patent and Antitrust: Differing Shades of Meaning, **VIRGINIA J.L. & TECH.** (2008).

Open Source, Open Access, and Open Transfer: Market Approaches to Research Bottlenecks, **NORTHWEST. J. TECH. & INTELLECTUAL PROP.** (2008); *reprinted as a book chapter in* OPEN SOURCE SOFTWARE-LAW AND PHILOSOPHY (Amicus Books 2009), with Kris Nelson.

The Inventor's Contribution, **UCLA J.L. & TECH.** (2005).

The Open Source Biotechnology Movement: Is It Patent Misuse? **MINN. J. L. SCI. & TECH.** (2004) (peer reviewed).

The Insufficiency of Antitrust Analysis for Patent Misuse, **HASTINGS L. J.** (2003).

Considerations on the Emerging Implementation of Biometric Technology, **HASTINGS COMM. & ENT. L. J.** (2003).

Consumption Taxes and the Theory of General and Individual Taxation, **VIRGINIA TAX REV.** (2002).

***Selected Op/Ed Commentaries:***

**Washington Post**, President Trump's Coronavirus Responses Highlights a Flawed Drug Pricing System (2020).

**Washington Post**, Why the Cancer "Moonshot" Has Been So Disappointing (2019).

**Washington Post**, The Perils of Value-Based Pricing for Prescription Drug (2019).

**Washington Post**, Why Prescription Drug Prices Have Skyrocketed (2018).

**STAT**, Its Time for a One-and-Done Approach for Prescription Drug Patents (2018).

**New York Times**, "Slowing the Patent Trolls" (2014).

**The Hill**, "Next Patent Troll Victims: Pharma & Bio?" (2014).

**Boston Globe**, "To Liberate American Innovation, We Need to Rethink Patents" (2013).

**SCOTUSBlog**, "A Conversation Between the Supreme Court and the Federal Circuit" (symposium on the Myriad gene patenting case) (2013).

**Washington Legal Foundation**, "Conversation with the Honorable Dick Thornburgh on Trolling, Licensing & Litigation: A 21<sup>st</sup> Century Patent Paradigm" (2013).

***Selected Reviews of Published Work:***

DRUG WARS (Cambridge 2017) was listed as Amazon's #1 new release in Health Law and chosen by STAT News staff as one of their top 5 picks for books for the year. It has been cited in Congressional hearings in both the House and Senate.

*The Giants Among Us*, 2012 STANFORD TECH. L. REV. 1:

--George Dyson, a historian of science and technology was asked by the Chronicle of Higher Education to name the single best article he has read recently. He chose "Giants Among Us."

--One reviewer called *Giants Among Us*, "one of the most important contributions to the debate about NPEs, patent aggregators and the state of the US patent marketplace," another called it "an absolutely remarkable study," and another called it "superb."

--A Dow Jones News site featured it in their daily column of "must reads," and technology reporter Gina Smith called it a "must read."

--IPWatchdog posted a 3-page summary of the article, which was then chosen as #1 on PLI's top 5 blog posts of the week.

*America Invents Act 500 Expanded: Effects of Patent Monetization Entities*, 17 UCLA J. OF LAW & TECH. 1 (2013), was cited by the White House in its report on Patent Assertion, by the Chair of the FTC, and in numerous hearings on patent reform in Congress and the California legislature. It was one of the top 10 downloads on any legal topic in SSRN's database of recent work.

Professor Stephen Morse of the University of Pennsylvania, in his book review of *THE ROLE OF SCIENCE IN LAW*, called it, "a splendid and wise book" noting further that the book's "diagnosis and malignant prognosis are inevitably and precisely right."

A study of the 1.4 million academic biomedical peer-reviewed articles in 2010-2012 showed that *Copyright and Open Access at the Bedside*, *New England Journal of Medicine* (2011), was the 8th most tweeted article and the only one in the top 15 that was law-related.

**Press:** (prior seven academic years)

More than 500 press interviews in the last seven years with news outlets—including multiple interviews with the *New York Times*, *Wall Street Journal*, *Fortune Magazine*, *Boston Globe*, *Reuters*, *BBC*, *American Lawyer*, *Nature*



Magazine, Chronicle of Higher Education, Law360, Daily Journal, Wired Magazine, San Jose Mercury News, San Francisco Chronicle, Orange County Register, The Register (UK), Motherboard, and others, as well as dozens of live or recorded interviews with the following radio or television outlets: NPR Marketplace, NPR Science Friday, AP TV, KQED, KGO, local affiliates of CBS, ABC, FOX, Yale University Radio, and radio or TV stations in Russia, South Korea, Mexico, Australia, Canada, UK, and Japan.

Profiled in a series on *Women Leaders in Law and Technology* by Law Technology News and also in a series on *People to Know* in The Recorder; featured on South Korean TV documentary, "The Trial of the Century," and BBC radio documentary on patent trolling.

***Academic Presentations:*** (prior seven academic years)

More than 100 academic presentations in the last seven years including at Harvard, Yale, Stanford, Georgetown, Berkeley, UCLA, USC, and the Ronald Reagan Presidential Library.

***Appearances Before Legislative and Regulatory Bodies:***

(prior seven academic years)

House Ways & Means Subcommittee on Health, on pharmaceutical pricing (2019).

House Judiciary Committee, on pharmaceutical innovation (2019).

California Assembly Judiciary Committee, on pharmaceutical pay-for-delay (2019).

Federal Trade Commission, on artificial intelligence and competition (2018).

National Attorneys General, on pharmaceutical rebates (2019).

National Academies of Sciences, on pharmaceutical pricing (2019).

Federal Trade Commission, on pharmaceutical pricing (2018).

GAO, on artificial intelligence (2018).

Army Cyber Institute Threatcasting Workshop, on weaponization of data (2018).

National Academy of Sciences, on artificial intelligence (2017).

US Patent & Trademark Office, on patent subject matter eligibility (2017).

GAO, on artificial intelligence (2017).

Federal Trade Commission, on pharmaceutical competition (2017).

House of Representatives Committee on Judiciary Subcommittee on Regulatory Reform, on the state of competition in the markets for addiction medicine (2016).

Senate Committee on Judiciary Subcommittee on Antitrust, on drug price competition (2016).

Industry Canada, Distinguished Expert presentation on strategic behavior in the patent system (2016).

House Judiciary Committee closed door member briefing on patent reform and the America Invents Act (2015).

Senate Judiciary Committee panel for staff briefing on patent reform legislation pending before the committee (2014).

House Committee on Energy & Commerce Subcommittee on Oversight & Investigations, on pre-litigation patent demand letters (2013).

California Assembly Select Committee on High Technology, on patent assertion entities (2013).

***Other Activities:***

Herman Phleger Visiting Professor of Law, Stanford Law School (2007).

Chair, Executive Committee of the Antitrust Section of the AALS (2009-2010);  
Committee Member (2005-2009).

Life Sciences Working Group, Stanford Law School Litigation IP Clearing House (2008-2009).

Committee Member, Stanford University Hospital Ethics Committee (1997-2001).