

MAUREEN A. O'ROURKE

EXPERIENCE:

BOSTON UNIV. SCHOOL OF LAW Boston, MA

Dean Emerita (8/18-present)

Dean (5/06-8/18)

Dean *ad interim* (7/04-5/06)

Associate Dean for Academic Affairs (8/03-6/04)

Associate Dean for Administration (1/01-7/03)

Michaels Faculty Research Scholar (1999-present)

Professor of Law (9/98-present)

Associate Professor (8/93-8/98)

Highlights (as Dean): Raising \$70M+ in school's first capital campaign; Overseeing construction of 93,000 sq. ft. addition and gut renovation of existing 100,000 sq. ft. facility; Managing \$57M revenue and \$38M expense budgets, 110 staff members, 65 full-time faculty, and 175 part-time faculty; Expanding experiential educational opportunities including establishing a transactional law program, clinical programs with MIT, and a clinic combatting human trafficking; Innovating in distance education in an Executive LL.M. program, on-line LL.M. in Taxation and on-line offerings in compliance; Increasing gender and racial diversity on the faculty; Restructuring and streamlining operations across all departments in the law school

Courses: Various courses in Commercial Law and Intellectual Property

Other Teaching:

Visiting Professor of Law (7/02), La Trobe University, Melbourne, Australia

Visiting Professor of Law (9-12/99), Columbia University School of Law,
New York, NY

Visiting Professor of Law (7/99), University of Victoria Law School, Victoria,
British Columbia

Scholarship: Researching and writing on the intersection of intellectual property law and other areas of law including contract, with a concentration on issues associated with software licensing

University Service:

Member, Deans' Council, University Leadership Group, University
Council (2004-present)

Member, Dean Search Committees: Social Work (2016-17); Management
(2009-10); Theology (2007-08) (Chair)

Member, Hockey Task Force (2012)

Member, Committee on Curriculum and Degrees (2007-08)

Member, Metcalf Committee (2000-01)

Honors: Diversity Leadership Award from *INSIGHT into Diversity* (2017); Listed in the *National Jurist* as one of the Top 25 Most Influential People in Legal Education (2016; 2015) and LawDragon's Top 500 Lawyers in the United States (2015); Recipient of the following awards: Silver Shingle (School of Law's highest award) for Service to the School (2015); student awards for support of public service (2011; 2007); Metcalf Award (University-wide teaching award) (2000)

IBM CORPORATION

Poughkeepsie/Somers, NY

Attorney (8/90-7/93)

Associate Accounting Analyst (9/85-8/90)

Responsibilities: Attorney - Negotiated and wrote equity investment, joint venture, software licensing, consulting and other contracts; Researched precedent in order to structure such agreements to comply with antitrust, commercial and other applicable laws; Produced documents related to such transactions for government filings; Reviewed and approved product plans, announcements, pricing structure and strategy for compliance with antitrust and other applicable laws; **Associate Accounting Analyst** - Performed various assignments in accounting in first job after college and part-time during law school

Honors: Recipient of a Division Award for service excellence and a Manager's Appreciation Award (both awards received while working as an attorney)

EDUCATION:

YALE LAW SCHOOL

New Haven, CT

Juris Doctor, 5/90

Honors in all courses

MARIST COLLEGE

Poughkeepsie, NY

BS - Accounting, 5/85; BS - Computer Science, 5/85

Honors: 4.0 GPA; Valedictorian; Summa cum laude; Alpha Chi Honor Society; General Academic Excellence Award; Wall Street Journal Student Achievement Award

PROFESSIONAL ASSOCIATIONS:

Member, Board of Directors, AccessLex Inst. (2015-present) (formerly Access Group)
(Compensation & Benefits Committee since 2015; Audit Committee since 2016)

Member, American Bar Association (ABA) Council of the Section of Legal Education & Admissions to the Bar (2010-present) (Vice Chair, 2015-16) (Chair 2017-18)

Member, Massachusetts Supreme Judicial Court Committee on the Uniform Bar Examination (2015-16)

Co-Chair, Boston Bar Association (BBA) Task Force on the Future of the Legal Profession (2010-11)

Chair, Association of American Law Schools' (AALS) Section on the Law School Dean (2009); Co-Chair (2010)

Member, BBA Working Group on Lawyers in Transition (2009-10)

Council Member, BBA (2008-11)

Associate Reporter, American Law Institute's (ALI) Principles of the Law of Software Contracts (2004-09)

Chair, AALS Section on Computers and the Law (2000)

Member, Marist College Pre-Law Advisory Board (Chair, 2016- present)

Other Memberships - ABA; ALI; International Editorial Board, I/S: A Journal of Law and Policy for the Information Society;

Licensed to practice in New York State (1991-present)

References available on request

PUBLICATIONS AND PRESENTATIONS OF SCHOLARLY WORK:

Publications

Books

PRINCIPLES OF THE LAW OF SOFTWARE CONTRACTS (Am. L. Inst. 2010) (with Professor Robert A. Hillman)

COPYRIGHT IN A GLOBAL INFORMATION ECONOMY (Aspen Law & Business 2002) (with Professors Cohen, Loren and Okediji); (2d ed. 2006); (3rd ed. 2010) (4th ed. 2015)

COPYRIGHT IN A GLOBAL INFORMATION ECONOMY STATUTORY SUPPLEMENT (Aspen Law & Business 2002-present, on a yearly basis) (with Professors Cohen, Loren and Okediji)

Articles & Other Publications

The "Law" and "Spirit" of the Accreditation Process in Legal Education, 66 SYRACUSE L. REV. 595 (2016)

The ALI's Principles of Software Contracting: Some Comments & Clarifications, 12 J. HIGH TECH. L. 159 (2011)

ALI Principles of the Law of Software Contracts: Some Proposals for a Global Software Licensing Policy, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY LICENSING 54, Jacques de Werra, ed., Edward Elgar (2013) (with Professor Robert A. Hillman)

Defending Disclosure in Software Licensing, 78 U. CHI. L. REV. 95 (2011) (with Professor Robert A. Hillman)
presented at a faculty workshop at Boston University School of Law (Sept. 2010)

Principles of the Law of Software Contracts, 53:9 COMMUNICATIONS OF THE ACM 26 (2010) (with Professor Robert A. Hillman)

Principles of the Law of Software Contracts: Some Highlights, 84 TULANE L. REV. 1519 (2010) (with Professor Robert A. Hillman)
presented at the Association of American Law Schools' Annual Meeting, Contracts and Commercial Law Section (Jan. 2010)

Rethinking Consideration in the Electronic Age, 61 HASTINGS L.J. 311 (2009) (with Professor Robert A. Hillman)

Being Yourself while Keeping Up with Everyone Else, in LAW SCHOOL LEADERSHIP STRATEGIES 119, Aspatore Books (2006)

The Story of Diamond v. Diehr: Toward Patenting Software, in INTELLECTUAL PROPERTY STORIES 194, Aspen Law & Business (2006)

Preliminary Draft No. 2, Principles of the Law of Software Contracts (2005) (with Professor Robert A. Hillman)
presented at the American Law Institute Advisors' and Consultative Group Meetings, San Francisco, CA (Sept. 2005); Boalt Hall, University of California at Berkeley (Sept. 2005); New York University School of Law (Mar. 2006)

Preliminary Draft No. 1, Principles of the Law of Software Contracts (2004) (with Professor Robert A. Hillman)

presented at the American Law Institute Advisors' Meeting, Philadelphia, PA (Oct. 2004); University of Michigan Law School seminar on Intellectual Property (Dec. 2004); Georgetown University Law Center faculty workshop (Apr. 2005); Association of American Law Schools' Conference on Exploring the Boundaries of Contract Law, Montreal, Canada (Jun. 2005)

A Brief History of Author-Publisher Relations and the Outlook for the 21st Century, 50 J. COPYR. SOC'Y 425 (2003)

Antitrust Implications of Patent Settlement Agreements: A Comment on the Work of Professors Hovenkamp, Janis, and Lemley, 87 MINN. L. REV. 1767 (2003) (with Professor Joseph Brodley)

presented at the Conference on The Interface Between Intellectual Property Law and Antitrust Law, University of Minnesota School of Law (Feb. 2003)

Bargaining in the Shadow of Copyright Law After Tasini, 53 CASE WESTERN L.REV. 605 (2003)

presented at the Conference on Copyright in the Digital Age: Reflections on *Tasini* and Beyond, Case Western Reserve University School of Law, Center for Law, Technology & The Arts (Nov. 2002)

Common Law and Statutory Restrictions on Access: Contract, Trespass, and the Computer Fraud and Abuse Act, 2002 J. L. TECH. & POL'Y 295

presented at the Chicago International IP Conference sponsored by the University of Illinois College of Law, University of Victoria Faculty of Law, and St. Peter's College, Oxford, England (Oct. 2002)

Patent Settlement Agreements: Preliminary Views, ANTITRUST, at 53 (Summer 2002) (with Professor Joseph Brodley)

Bankruptcy Law v. Privacy Rights: Which Holds the Trump Card?, 38 UNIV. OF HOUS. L. REV. 777 (2001) (with Professor Walter W. Miller, Jr.)

presented at the University of Houston's Institute for Intellectual Property & Information Law's 2001 Santa Fe Conference (May 2001)

What the Future Holds: Policy Choices in a Global Marketplace, 7 ROGER WILLIAMS L. REV. 151 (2001)

presented at the Conference on Information and Electronic Commerce Law, Comparative Perspectives, Roger Williams University Ralph R. Papitto School of Law (Apr. 2001)

Property Rights and Competition on the Internet: In Search of an Appropriate Analogy, 16 BERK. TECH. L.J. 561 (2001)

presented at the Beyond *Microsoft* Conference, Boalt Hall, University of California at Berkeley (Mar. 2001)

- Virtual Trespass: An Apt Analogy or a Square Peg in a Round Hole?*, COMMUNICATIONS OF THE ACM, Feb. 2001, at 98
presented at a panel on E-Commerce, Boston Bar Association Banking and Financial Services Seminar, Boston, MA (Oct. 2000)
- Shaping Competition on the Internet: Who Owns Product and Pricing Information?*, 53 VAND. L. REV. 1965 (2000)
presented at the Taking Stock: The Law and Economics of Intellectual Property Rights Conference, Vanderbilt University Law School (Apr. 2000)
- Toward a Doctrine of Fair Use in Patent Law*, 100 COLUM. L. REV. 1177 (2000)
presented at faculty workshops at Columbia University School of Law (Dec. 1999) and Northwestern University School of Law (Jan. 2000); and seminars at the Engelberg Center on Innovation Law and Policy of New York University School of Law (Feb. 2000) and Oxford University (Mar. 2000)
- Correcting "Mistakes" in Intellectual Property Law: Configuring the System to Account for Imperfection*, 4 J. SMALL & EMERGING BUS. L. 167 (2000)
presented at the Symposium on Keeping Pace With Change: Intellectual Property in the New Millenium, Northwestern School of Law at Lewis & Clark College (Oct. 1999)
- Progressing Towards a Uniform Commercial Code for Electronic Commerce or Racing Towards Nonuniformity?*, 14 BERK. TECH. L.J. 635 (1999)
presented at the Symposium on The Legal and Policy Framework for Global Electronic Commerce: A Progress Report, Boalt Hall, University of California at Berkeley (Spring 1999)
- Striking a Delicate Balance: Intellectual Property, Antitrust, Contract and Standardization in the Computer Industry*, 12 HARV. J. L. & TECH. 1 (1998)
- Fencing Cyberspace: Drawing Borders in a Virtual World*, 82 MINN. L. REV. 609 (1998)
presented at faculty workshops at Notre Dame Law School (Sept. 1997) and Boston University School of Law (Oct. 1997)
- Defining the Limits of Free-Riding in Cyberspace: Trademark Liability for Metatagging*, 33 GONZAGA L. REV. 277 (1998)
- Reversing ProCD: H.R. 3048 and Copyright Preemption of Shrinkwrap License Terms*, 1 MOD. TRENDS IN INTELL. PROP. 3 (1998)
- Rethinking Remedies at the Intersection of Intellectual Property and Contract: Toward a Unified Body of Law*, 82 IOWA L. REV. 1137 (1997)
- Legislative Inaction on the Information Superhighway: Bargaining in the Shadow of Copyright Law*, 3 B.U.J. SCI. & TECH. L. 8 (1997)
- Copyright Preemption After the ProCD Case: A Market Based Approach*, 12 BERK. TECH. L.J. 53 (1997)
presented at the annual meeting of the American Law & Economics Association, Toronto, Canada (May 1997)

The Law in Cyberspace: Challenges and Opportunities for Lawyers of Today and Tomorrow, CAREERS AND THE MINORITY LAWYER, Fall, 1996, at 22

A False Start?: The Impact of Federal Policy on the Genotechnology Industry, 13 YALE J. ON REG. 163 (1996) (with Michael Malinowski)

presented at the Annual Law & Society Meeting, Glasgow, Scotland (Jul. 1996)
and at a faculty workshop at Boston University School of Law (Oct. 1995)

Drawing the Boundary Between Copyright and Contract: Copyright Preemption of Software License Terms, 45 DUKE L.J. 479 (1995) (reprinted in the Intellectual Property Law Review (1997))

presented at the Annual Law & Society Meeting, Toronto, Canada (May 1995)

Column, *Copyright Liability of Bulletin Board Operators for Infringement by Subscribers*, 1 B.U. J. SCI. & TECH. L. 6 (1995)

Proprietary Rights in Digital Data, 41 FED. BAR NEWS & J. 511 (Aug. 1994)

Selected Speeches and Participation on Scholarly Panels

Panelist, National Conference of Bar Examiners Annual Bar Admissions Conference, San Diego (May 2017); Washington, DC (April 2016)

Presenter, The Lawyering Lab: 1L Curricular Reform, Building Consensus for Experiential Education and Faculty Integration, Conference on Experiential Learning Across the Curriculum, Gonzaga Law School, Seattle, WA (June 2015) (with Professors Browne and Maisel)

Panelist, Pennsylvania Bar Institute's Virtual Town Hall on the Future of Legal Education (March 2015)

Moderator, Looking Forward, Uniform Law Foundation Program, Boston, MA (June 2013)

Panelist, The Transformation of Legal Education, Law & Society Conference, Boston, MA (June 2013)

Panelist, Lawyers Weekly Breakfast Forum, Women & The Law, Boston, MA (May 2011)

Moderator, Panel on Views from the Bench, Boston eDiscovery Summit (Dec. 2010)

Panelist, Principles of the Law of Software Contracts: Are You Ready?, Conference on Software Licensing: Principles and Practical Strategies, Suffolk University Law School (Sept. 2010)

Junior Intellectual Property Scholars' Conference, Michigan State University Law School (Apr. 2010) (senior peer reviewer)

Faculty Member, ALI-ABA's The New Uniform Commercial Code course, Boston, MA (Jun. 2007)

Intellectual Property Distinguished Visitor, Northwestern School of Law at Lewis & Clark College (Mar. 2006)

Member, Research Exemption Working Group, American Association for the Advancement of Science, Washington, DC (Oct. 2004)

Panelist, Art & Work: Copyright, Contracts and Work-For-Hire, National Initiative for a Networked Cultural Heritage Copyright Town Meeting - Copyright for Artists and their Public: Artists' Rights and Art's Rights, Cleveland Museum of Art (Apr. 2003)

Moderator, Panel on The Future of Copyright and Fair Use in the Digital Era, Harvard Journal of Law and Technology Symposium (Mar. 2003)

Panelist, American Society of Business Periodical Editors Panel on Freelance Creators, Boston, MA (Feb. 2003)

Panelist, Private Ordering, Workshop on the Internet and The Law – A Program for Federal Judges, New York University School of Law (Nov. 2002)

Keynote Address, Policy Choices in a Global Economic Environment, Internet and E-Commerce Law Conference 2002, Massachusetts Continuing Legal Education, Inc., Boston, MA (Nov. 2002)

Moderator, Panels on (i) Controlling Frivolous and Anti-Competitive Intellectual Property Litigation; and (ii) An Exclusive Right to Evoke, Conference on Intellectual Property, E-Commerce and the Internet, Boston College Law School (Oct. 2002)

Presenter, Joint Department of Justice and Federal Trade Commission Hearings on Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy, Washington, DC (2002)

Moderator, Panel on Valuing Intellectual Property: Deal Making & Revenue, Spring Forum on Intellectual Property Law, Boston, MA (Apr. 2002)

Panelist and Moderator, Panel on Intellectual Property and New Technologies, A Summit Meeting on Law, Information Technology and Society, Carnegie Mellon University (Feb. 2002)

Panelist, Silicon Flatirons Telecommunication Program, University of Colorado (Jan. 2002)

Speaker, Intellectual Property in the 21st Century, Law Librarians of New England Meeting, Boston, MA (Oct. 2001)

Speaker, 39th Annual Congress of the International Association of Young Lawyers, Panel on Cut-Throat Competition or Abuse of Dominant Position: Challenges to the Conduct of Firms in a Technological Era, Montreal, Canada (Aug. 2001)

Moderator, Panel on the Open Source Movement, Conference on Bioinformatics and the Law, Boston University School of Law (Apr. 2001)

Panelist, Section on Antitrust and Economic Regulation, Association of American Law Schools' Annual Meeting, San Francisco, CA (Jan. 2001)

Panelist, E-Commerce, New England Legal Foundation CEO Forum, Boston, MA (Dec. 2000)

Panelist, Who Owns What and Why?: How Intellectual Property Rules Shape Market Dynamics and Business Strategies, The E-Business Transformation: Sector Developments and Policy Implications, U.S. Department of Commerce, Washington, DC (Sept. 2000)

Moderator, Panel on Trust and the Internet, Trust Relationships Conference, Boston University School of Law (Sept. 2000)

Keynote Speaker, Eleventh Annual Workshop of the New Zealand Competition Law & Policy Institute, Auckland, New Zealand (Aug. 2000)

Panelist, Antitrust and the Internet, Harvard University Conference on Internet & Society (May 1998)

Panelist, Digital Content Conference - Boalt Hall, University of California at Berkeley (1996)

Shadow Judge, MIT Conference on Computers, Freedom and Privacy Plenary Session: Before the Court: Can the U.S. Government Criminalize Unauthorized Encryption? (1996)

Panelist, Protecting Software and Information on the Internet, Boston University School of Law Symposium (1996)

Panelist, Conference on Copyright Issues and the National Information Infrastructure, Rutgers University School of Law (1996)

PUBLICATIONS REFEREED:

One Size Does Not Fit All: Legal Protection for Non-Copyrightable Data, Communications of the ACM (Jun. 2007)