



Works-in-Progress Intellectual Property Colloquium

February 10-11, 2017

Boston University School of Law

Friday, February 10

8:00 a.m. **Registration and Continental Breakfast – Butler Atrium**

8:30 a.m. **Opening Session – Room 103**

Welcome Remarks

Dean Maureen A. O'Rourke

Professor Kevin Outterson, Executive Director of CARB-X

Opening Plenary

Melissa F. Wasserman & Michael D. Frakes, *Procrastination in the Workplace: Evidence from the U.S. Patent Office*

Timothy K. Armstrong, *Symbols, Systems, and Software as Intellectual Property: Time for CONTU, Part II?*

Rebecca Schoff Curtin, *Zombie Cinderella and the Undead Public Domain*

10:30 a.m. **Break**

11:00 a.m. **Concurrent Sessions 1**

Room 103

Andres Sawicki, *The Law of Creativity?*

Sean Pager, *A Unified Theory of Authors and Incentives*

Jorge L. Contreras & Jacob S. Sherkow, *Dividing the Spoils of CRISPR*

Aman Gebru, *A Model Legal Framework for Intellectual Property Protection of Traditional Medicinal Knowledge*

- Room 211 Jeremy Bock, *Behavioral Claim Construction*
Christopher Buccafusco, *Risk, Creativity, and IP: An Experimental Approach*
Betsy Rosenblatt, *Uncertainty Aversion and Intellectual Property*
Patrick R. Goold, *Intellectual Tort Law*
- 12:30 p.m.** **Lunch – Barristers’ Hall**
- 1:30 p.m.** **Concurrent Sessions 2**
- Room 103 Jonathan H. Ashtor, *Do Valid Patents Promote Progress?*
Jeremy N. Sheff, *Valuing Progress*
Michael J. Meurer, *Bargaining Failure and Failure to Bargain*
Jonathan H. Ashtor, *The Residual Value of Patents and the Lifespan of Innovation*
- Room 211 H. Brian Holland, *We Are All Cyborgs Now: A Cognitive Theory of the Third-Party Doctrine*
Tiffany Li, *Robots vs. Animals: Toward a Unified Theory on Intellectual Property Rights on Non-Human Creators*
Amanda Levendowski, *Biasing Machines Through Law*
Cathy Gellis, *Testing the Limits of the Section 230 IP Exemption*
- Room 212 Kara W. Swanson, *Beyond the Promotion of Useful Arts: How the Patent System Supported Female Suffrage*
Kevin Emerson Collins, *Patent Law’s Authorship Screen*
Rachel E. Sachs, *Divided Infringement and the Doctor-Patient Relationship*
- 3:00 p.m.** **Break**

3:30 p.m. Concurrent Sessions 3

Room 103 Stephanie Plamondon Bair, *Rethinking Consumer Autonomy and Trademarks*
Alexandra J. Roberts, *Use as a Mark*
Timothy J. McFarlin, *Pirate Art: Homage and Fair Use in 'The Who Sell Out'*

Room 211 Irene Calboli, *Learning from the Different: The Case for a More Prominent Role of Comparative Legal Analysis in Intellectual Property Scholarship in the United States*
Maria Lillà Montagnani, *The Digitisation of Cultural Heritage in Europe: A Theoretical and Empirical Analysis*
Jessica Silbey, Peter DiCola & Eva Subotnik, *Empirical Study of Photographic Copyright and Changing Aesthetic and Business Practices in the Digital Age*

Room 212 Carys J. Craig, *Relying on (User) Rights-Talk: On Copyright Limits and Rhetorical Risks*
Martin Skladany, *Proposals to Reduce the Harm of Excessive Copyright Protection That Are Immune to Big Copyright's Influence*
Glynn S. Lunney, *Copyright's Price Competition Deficiency*
Eric E. Johnson, *Intellectual Property and Growth Economics*

5:00 p.m. Academic program concludes for the day

An Evening at Fenway Park EMC Club, 20 Yawkey Way	
6:30 p.m.	Cocktail Hour
7:30 p.m.	Dinner
8:30 p.m.	IP Trivia Extravaganza

Saturday, February 11

8:00 a.m. Continental Breakfast – Butler Atrium

8:30 a.m. Concurrent Sessions 4

Room 101 Andrew W. Torrance, *Trolls Are Good (At Choosing Valuable Patents)*

Janet Freilich, *Patent Shoppers*

Andrew C. Michaels, *Patent Transfer and the Bundle Of Sticks*

Bernhard Ganglmair, *The Effect of Patent Insurance on NPE Litigation*

Room 102 Dmitry Karshedt, *Rational Willfulness: Toward a New Standard for Enhanced Damages in Patent Law (or, “The Modern Pirate”)*

John M. Golden, *Discretion in Patent Damages*

Tun-Jen Chiang, *The Information-Forcing Dilemma in Damages Law*

Room 103 Mark McKenna & Jessica Silbey, *Investigating Design: An Empirical Study of Industrial Design and IP Protection*

Sarah Burstein, *The “Design” in Design Patents*

Stacey Dogan, *The Role of Design Choice in Intellectual Property and Antitrust Law*

Aaron Perzanowski, *Juggalos Without Juggalaws: The Norm-Based Governance of Clowns*

Room 212 Saurabh Vishnubhakat, Jay P. Kesan & Arti Rai, *Serial Petitioning at the PTAB*

Greg Reilly, *Structuring Patent Adjudication*

Paul Gugliuzza, *Quick Decisions in Patent Cases*

Saurabh Vishnubhakat, *The Non-Doctrine of Redundancy*

10:00 a.m. Break

- 10:30 a.m. Concurrent Sessions 5**
- Room 101 Wendy Gordon & Joe Bennett, *I Hate These Blurred Lines: Wrongful Appropriation and Copyrightability in Music Copyright*
Zahr Said, *Jury Instructions in Copyright Infringement Cases*
Peter J. Karol, *The Threat of Copyright Termination in a Dematerialized Art Market*
Lucas S. Osborn, *Intellectual Property Channeling for Digital Works*
- Room 102 Zvi S. Rosen, *The Lost (and Found) Copyright Records*
Will Slauter, *Copyright Law and Registration Practice: The Case of News, 1870-1918*
Zvi S. Rosen & Saurabh Vishnubhakat, *An Empirical Study of U.S. Copyright Registration and Renewals, 1870-1977*
D.R. Jones, *Edicts of Government: Copyright in State Legal Materials*
- Room 103 Randall Davis, *The Proper Scope of Copyright in Software and Tests for Infringement*
BJ Ard, *Fair Use as Penalty Default*
Suneal Bedi, *Bad Brands: Empirically Assessing Trademark Tarnishing*
Stacey M. Lantagne, *Famous on the Internet: The Spectrum of Internet Memes and the Legal Challenge of Evolving Methods of Communication*
- 12:00 p.m. Lunch – Barristers’ Hall**
- 1:00 p.m. Closing Plenary – Room 103**
IP Trivia Awards
Neel Sukhatme, *Value-Based Patents*
David Abrams & Bhaven Sampat, *Drug Patents and Real Value*
Christopher Buccafusco & Jeanne Fromer, *Fashion’s Function*
- 2:45 p.m. Conference concludes**