

Adam Mossoff
Professor of Law
George Mason University School of Law
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Academic Experience:

George Mason University School of Law

Professor of Law, 2010-present

Associate Professor of Law, 2008-2010

Washington & Lee University School of Law

Visiting Professor, Spring Term 2008

University of San Diego School of Law

Visiting Professor, Fall Term 2007

Michigan State University College of Law

Associate Professor of Law, 2006-2008

Assistant Professor of Law, 2003-2006

Northwestern University School of Law

John M. Olin Fellow in Law, 2001-2002

Visiting Lecturer, Spring Term 2002

Education:

University of Chicago Law School, J.D. with Honors, 2001

- Bradley Governance Fellowship, 2000-2001
- Articles Editor, *University of Chicago Law School Roundtable*
- Assistant, Legal History Workshop
- Research Assistant, Professor Richard A. Epstein
- Chairman, LSA Appointments Committee, 2000-2001
- Hinton Moot Court, 1999-2000

Columbia University, M.A. (Philosophy), 1998

- Areas of Specialization: Legal and Political Philosophy
- Completed qualifying examinations for Ph.D.
- President's Fellow, 1995
- Participant in the Legal Theory Workshop at Columbia Law School, 1994-1998

University of Michigan, B.A. (Philosophy) with High Distinction, 1993

- High Honors in Philosophy
- James B. Angell Scholar for "perfect scholarship record for 2 or more terms," 1993

Publications:

Major Articles:

- *Saving Locke from Marx: The Labor Theory of Value in Intellectual Property Theory*, 29 *Social Philosophy & Policy* 283 (2012).
- *The Rise and Fall of the First American Patent Thicket: The Sewing Machine War of the 1850s*, 53 *Arizona Law Review* 165 (2011).
- *A Simple Conveyance Rule for Complex Innovation*, 44 *Tulsa Law Review* 707 (2009) (invited article in festschrift for Richard A. Epstein).
- *The Use and Abuse of IP at the Birth of the Administrative State*, 157 *University of Pennsylvania Law Review* 2001 (2009).
- *Exclusion and Exclusive Use in Patent Law*, 22 *Harvard Journal of Law & Technology* 321 (2009).
- *Patents as Constitutional Private Property: The Historical Protection of Patents under the Takings Clause*, 87 *Boston University Law Review* 689 (2007).
- *Who Cares What Thomas Jefferson Thought About Patents? Reevaluating the Patent “Privilege” in Historical Context*, 92 *Cornell Law Review* 953 (2007).
- *Spam—Oy, What a Nuisance!*, 19 *Berkeley Technology Law Journal* 625 (2004).
- *What is Property? Putting the Pieces Back Together*, 45 *Arizona Law Review* 371 (2003).
- *Rethinking the Development of Patents: An Intellectual History, 1550-1800*, 52 *Hastings Law Journal* 1255 (2001).

Essays and Book Chapters:

- *Commercializing Property Rights in Inventions: Lessons for Modern Patent Theory from Classic Patent Doctrine*, in *COMPETITION POLICY AND PATENT LAW UNDER UNCERTAINTY: REGULATING INNOVATION*, Geoffrey Manne & Joshua Wright eds. (Cambridge University Press, 2011).
- *How the “New GM” Can Steal from Toyota*, 12 *The Green Bag* 2d 399 (2010).
- *Is Copyright Property?*, 42 *San Diego Law Review* 29 (2005).
- *Natural Law*, in *BERKSHIRE ENCYCLOPEDIA OF WORLD HISTORY* (2005).
- *The Death of Poletown: The Future of Eminent Domain and Urban Development After County of Wayne v. Hathcock*, 2004 *Michigan State Law Review* 837.
- *Locke’s Labor Lost*, 9 *University of Chicago Law School Roundtable* 155 (2002).

Miscellaneous Publications:

- *Healthcare Reform’s Impact on Drug Patents*, 12 *Engage* 20 (September 2011) (transcript of my presentation from a debate with Professor John Duffy at George Washington University).
- *Intellectual Property: American Exceptionalism or International Harmonization?*, 3 *NYU Journal of Law & Liberty* 448, 450-55 (2008) (transcript of panel presentation on nineteenth-century American patent law).

- Review Essay: *B. Zorina Khan, The Democratization of Invention: Patents and Copyrights in American Economic Development, 1790-1920*, 25 *Law and History Review* 668 (2007).
- *Intellectual Property, the Right to Health, and Human Rights*, 2006 *University of Illinois Journal of Law, Technology & Policy* 63 (transcript of debate with Professor Tom W. Bell of Chapman University on the topic of “Life, Liberty, and Intellectual Property”).
- Review Essay: *Kristie M. McClure, Judging Rights: Lockean Politics and the Limits of Consent*, *Review of Metaphysics* (March, 2000).
- Review Essay: *Randy Barnett, Structure of Liberty: Justice and the Rule of Law*, *Review of Metaphysics* (December, 1999).
- Review Essay: *Michel Rosenfeld, Just Interpretations: Law between Ethics and Politics*, *Review of Metaphysics* (September, 1999).

Workshops, Works-in-Progress Conferences, and Lectures:

- “What Hath Tawney Wrought? Reevaluating the Famous Patent Case of *O’Reilly v. Morse*,” George Washington University Intellectual Property Speakers Series, October 2011
- “Saving Locke from Marx: Two Conceptions of Value in Intellectual Property Theory,” Social Philosophy & Policy Center Conference, April 2011.
- “Saving Locke from Marx: Two Conceptions of Value in Intellectual Property Theory,” Cardozo Law School, January 2011.
- “*O’Reilly v. Morse*: Reevaluating a Foundational Patent Case in Historical Context,” Intellectual Property Scholars Conference, UC-Berkeley, August 2010.
- “The Rise and Fall of the First American Patent Thicket,” DOJ/FTC/PTO Seminar Series, June 2010.
- “Trespass, Patents, and the Failure of Land-Based Metrics in Patent Law,” Faculty Colloquium, Louisiana State Law Center, March 2010.
- “Individual Rights, Property and Intellectual Property,” Social Philosophy & Policy Center at Bowling Green State University, March 2010.
- “The Rise and Fall of the First American Patent Thicket: The Sewing Machine War of the 1850s,” Association for Law, Property & Society, Georgetown University Law Center, March 2010.
- “The Rise and Fall of the First American Patent Thicket: The Sewing Machine War of the 1850s,” Distinguished Professor Presentation at the John Marshall Law School, February 2010.
- “Land Patents: The Myth and Reality of Patents as Property,” Intellectual Property Scholars Conference, Cardozo Law School, August 2009.
- “Property Myths in Patent Law,” Works in Progress in Property, University of Colorado at Boulder School of Law, June 2009.
- “Sewing Machines, Patent Thickets and Patent Pools,” Legal History Roundtable, George Mason University School of Law, April 2009.

- “Sewing Machines, Patent Thickets and Patent Pools,” IP Colloquium, Columbia Law School, March 2009.
- “Rethinking the Labor Theory of Property,” University of Texas at Austin (Philosophy Department), April 2008.
- “Patents, Property and Property Theory,” Washington & Lee University School of Law, February 2008.
- “Patents, Property and Property Theory,” George Mason University School of Law, January 2008.
- “Patents, Property and Property Theory,” University of San Diego School of Law, November 2007.
- “Patents as Property: Rethinking the Role of Property Theory in American Patent Law,” Academic Workshop, University of Chicago Law School, November 2007.
- “Patents as Property: Rethinking the Role of Property Theory in American Patent Law,” Works-in-Progress Intellectual Property Colloquium, Washington College of Law at American University, September 2007.
- “Conceptualizing Patents as Property: Property Theory and Exclusive Rights in Patent Law,” Property Works-in-Progress Conference, University of Colorado Law School, June 2007.
- “Patents as Property: Rethinking the Exclusive Right in Patent Law,” Anthem Workshop on Law at the University of Texas at Austin, Philosophy Department, April 2007.
- “Patents as Property: Rethinking the Exclusive Right in Patent Law,” Colloquium on Technology, Innovation, and Technology Policy at University of Arizona James E. Rogers College of Law, October 2006.
- “Patents as Property: Rethinking the Exclusive Right in Patent Law,” Intellectual Property Scholars Conference, Boalt Hall School of Law, UC-Berkeley, August 2006.
- “Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Patent ‘Privilege’ in Historical Context,” Edward D. Manzo Scholar in Advanced Concepts in Patent Law Seminar, DePaul University School of Law, April 2006.
- “Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Patent ‘Privilege’ in Historical Context,” Santa Clara University School of Law, March 2006.
- “Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Patent ‘Privilege’ in Historical Context,” Case Western University School of Law, February 2006.
- “Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Patent ‘Privilege’ in Historical Context,” Whittier Law School, January 2006.
- “Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Patent ‘Privilege’ in Historical Context,” Intellectual Property Speakers Series, George Washington University School of Law, October 2005.
- “Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Patent ‘Privilege’ in Historical Context,” Works-in-Progress Intellectual Property Colloquium, Washington University School of Law in St. Louis, October 2005.

- “Patents, Prices, and Property: Drug Patents and the Takings Clause,” Works-in-Progress Intellectual Property Colloquium, Washington University School of Law in St. Louis, October 2005 (with co-author, Eric R. Claeys).
- “Patents, Prices, and Property: Drug Patents and the Takings Clause,” Health Law Scholars Workshop, St. Louis University School of Law, September 2005 (with co-author, Eric R. Claeys).
- “Patents, Prices, and Property: Drug Patents and the Takings Clause,” Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, August 2005 (with co-author, Eric R. Claeys).
- “Patents, Prices, and Property: Drug Patents and the Takings Clause,” Loyola University Chicago School of Law, April 2005 (with co-author, Eric R. Claeys).
- “Who Cares What Thomas Jefferson Thought About Patents? Reconstructing the Origins of American Patent Doctrine.” Academic Workshop, University of Chicago Law School, November 2004.
- “Who Cares What Thomas Jefferson Thought About Patents? Reconstructing the Origins of American Patent Doctrine.” Works-in-Progress Intellectual Property Colloquium, Boston University School of Law, September 2004.
- “Who Cares What Thomas Jefferson Thought About Patents? Reconstructing the Origins of American Patent Doctrine.” Intellectual Property Scholars Conference, DePaul University College of Law, August 2004.
- “The Rise and Fall of Property Rights in America,” University of Illinois—Urbana-Champaign, April 2004.
- “Spam—Oy, It’s Such a Nuisance!,” Michigan State University—DCL College of Law, Intellectual Property Roundtable, February 2004.
- “Spam—Oy, It’s Such a Nuisance!,” Tulane Law School, Works-in-Progress Intellectual Property Colloquium, October 2003
- “The Relevance of Property Theory to Patent Law,” University of Chicago Law School, November 2002.
- “What is Property: Putting the Pieces Back Together,” Northwestern University School of Law, February 2002.
- “What is Property: Putting the Pieces Back Together,” University of Chicago Law School, February 2002.
- “The Relevance of Natural Rights in Intellectual Property Today,” The George Washington University Law School, February 2002.
- “What is Property,” Zodiac Property Law Workshop, Northwestern University School of Law, December 2001.
- “The Historical Development of the Legal Doctrine of Patents and Natural Rights Philosophy: Rediscovering Their Relationship,” Second Renaissance Conferences, July 2000.
- “Pragmatism, Justice Holmes, and Contemporary Legal Philosophy,” Harvard University, April 1999.

- “Understanding Kant’s Copernican Revolution in its Philosophical Context,” University of Michigan, November 1997.
- “Natural Law and Natural Rights: An Intellectual History,” New York City, February 1997.
- “The Nature of Individual Rights,” New York City, February 1997.
- “Natural Law and Natural Rights: An Intellectual History,” Toronto, November 1996.
- “The Nature of Individual Rights,” Toronto, November 1996.
- “The Death of Natural Law,” New York City, February 1995.

Podcasts, General Conferences and Debates:

- Supreme Court Preview Panel at the National Press Club, Federalist Society, September 2011 (discussing *Mayo v. Prometheus* and *Golan v. Holder*)
- “Supreme Court’s Decision in *Microsoft v. i4i*,” SCOTUSCast Podcast, June 2011.
- “The America Invents Act: First to File versus First to Invent?,” Podcast Panel, Federalist Society, June 2011 (Participant along with Timothy Holbrook, F. Scott Kieff, and David Olson).
- “Just a Minor Fix in Patent Reform? Qui Tam Actions and the False Marking Statute,” Panel Discussion Podcast for the Federalist Society, April 8, 2011 (Organizer and Moderator of the Panel).
- “Patent Term Adjustment: The Next Chapter from *Novartis v. Kappos*,” Participant in Podcast Panel for the Intellectual Property Owners Association, August 2010 (I discussed the patent-takings issue in the litigation).
- “Patents in the Supreme Court: *Bilski v. Kappos*,” Podcast Debate for the Federalist Society Intellectual Property Practice Group, August 2010 (Organized and moderated debate between Professor David Olson and John Duffy).
- “Normative Foundations of Intellectual Property: Two Viewpoints,” American Philosophical Association Annual Meeting, December 2009 (Paper Presentation: “A Value-Based Theory of Intellectual Property”).
- “Patent Licensing in a Post-*Quanta* World,” Panel Podcast for the Federalist Society, August 2009 (Organized and moderated panel discussion with Richard A. Epstein, Mark A. Lemley, F. Scott Kieff, and Fred von Lohmann).
- “Supreme Court’s Grant of Certiorari in *Bilski v. Doll*,” SCOTUSCast Podcast, June 2009 (Moderator of debate between Professor Michael Risch and Professor Joshua Sarnoff).
- “Legal Scholarship Symposium: The Scholarship of Richard A. Epstein,” University of Tulsa College of Law, March 2009 (Paper Presentation: “Simple Rules for Complex Innovation”).
- “Foundations of Intellectual Property Reform,” University of Pennsylvania Law School, January 2009 (Paper Presentation: “The Use and Abuse of IP at the Birth of the Administrative State”).

- “State-Building and Citizenship in America, 1763-1920,” Legal History Roundtable at Georgetown University Law Center, September 2008. (Moderator for Panel: Customs and Commerce in Antebellum America).
- “Patents and the Commercialization of Innovation,” George Mason University School of Law, May 2008 (Paper Presentation: “Commercializing Property Rights in Inventions: Lessons for Modern Patent Theory from Classic Patent Doctrine”).
- “Intellectual Property/Property,” UC-Berkeley Law, October 2007. (Paper Presentation: “Conceptualizing Patents as Property: How Property Defines the Exclusive Right(s) in Patent Law”).
- Evil Twins Debate: “Is Intellectual Property ‘Property’? Pharmaceutical Patents and Regulatory Takings,” University of Richmond School of Law, February 2007. Debate Opponent was Professor Shubha Ghosh.
- “Patent Law: Recent Developments and Proposals for Reform,” at conference co-hosted by Berkeley Center for Law and Technology and the High Tech Law Institute at Santa Clara University School of Law, October 2006.
- “Eminent Domain, Intellectual Property, and Small Business.” National Bar Association Annual Meeting, Detroit, Michigan, August 2006.
- “Intellectual Property and Property: Marriage or Misfit?” AALS Mid-Year Meeting, June 2006. (Presentation: “Patents, Property, and the Right to Exclude”).
- “Property Law, Takings and Health Law,” at the Health Law Teachers Conference, University of Maryland School of Law, June 2006. (Presentation: “First, Do No Harm: Canadian Drug Imports, Innovation, and the Design Limits of Patent Law” (with co-author, Eric R. Claeys)).
- “By Any Other Name: Intellectual Property as ‘Property’” at the conference, “Intellectual Property: Back to Basics,” hosted by the Federalist Society, Washington, D.C., June 2006.
- “The History of Intellectual Property Rights.” American Society for Legal History, November 2005. (Presentation: “Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Patent ‘Privilege’ in Historical Context”).
- “Life, Liberty, and Intellectual Property.” Debate hosted by Federalist Society Intellectual Property Practice Group, October 2005. Debate Opponent: Professor Tom W. Bell.
- “Public Use Strikes Back: Eminent Domain after *Hathcock* and *Kelo*.” Hot Topics Panel, AALS Annual Meeting, January 2005 (Panel Moderator and Organizer).
- “The Federalist Papers.” Liberty Fund Colloquium, December 2004.
- “The Death of *Poletown*: The Future of Eminent Domain and Urban Development After *County of Wayne v. Hathcock*.” Michigan State University College of Law, November 2004. Symposium issue published: 2004 Mich. St. L. Rev. 897 (Conference Organizer).
- “Intellectual Property.” Panel at Law & Society Association Conference, Chicago, May 2004 (Presentation: “Demystifying Justice in Patent Law”).
- “Conceptualizing Foundational Metrics.” The Association of Law, Culture, and the Humanities, University of Connecticut School of Law, March 2004 (Presentation: “Enjoying the Fruits of One’s Labors”).

- “Black Acre and Black Beauty: Strange Bedfellows or A Happy Marriage.” Intellectual Property, Sustainable Development, and Endangered Species: Understanding the Dynamics of the Information Ecosystem, Michigan State University College of Law, March 2004 (Presentation: “Property Policy and Patents”).
- “Natural Rights and Copyright.” Promoting Markets in Creativity: Copyright in the Internet Age, a conference hosted by the Progress & Freedom Foundation and the George Mason University Tech Center, June 2003 (Presentation: “Is Copyright Property? A Comment on Richard Epstein’s ‘Liberty vs. Property’”).
- Politics, Law and Property Conference, Ashland University, March 2003 (Paper Presentation: “The Development and Meaning of the Modern Concept of Property”).
- Student Conference on Philosophy and Law, Benjamin N. Cardozo School of Law, October 1993 (Paper Presentation: “Discovering Legal Obligation through Raz-Colored Lenses”).

Miscellaneous Writings & Publications:

- Authored *amicus* brief on behalf of 28 law professors in support of a Petition for Writ of Certiorari in *Zoltek Corporation v. United States*.
- Co-authored *amicus* brief with Daniel D. Barnhizer on behalf of Virginia Wineries Association in *Granholm v. Heald*, 544 U.S. 460 (2005). Ten law professors joined the brief, including Paul Finkelman and Richard Epstein.
- Op-Ed: Adam Mossoff & Daniel D. Barnhizer, “Michigan Prohibition on Interstate Shipment of Wine is Unconstitutional Discrimination,” Detroit Free Press, December 6, 2004.

Courses Taught:

- Patent Law
- Property
- Cyberlaw / Internet and Online Law
- Advanced Topics in Patent Law
- Property Theory Seminar
- Jurisprudence Seminar
- Estates & Trusts

Professional Associations:

- American Intellectual Property Law Association
- Federal Circuit Bar Association
- American Society for Legal History
- Selden Society
- Federalist Society

- American Philosophical Association

Legal Work Experience:

The Hon. Jacques L. Wiener, Jr., U.S. Court of Appeals, 5th Circuit, 2002 – 2003
Law Clerk

Sidley & Austin, Chicago, IL, 2000 (summer)
Summer Associate

The Hon. Susan S. Beck, Massachusetts Appeals Court, 1999 (summer)
Judicial Intern

Weiner, Millo & Morgan, New York, NY, 1997 – 1998
Paralegal/Legal Assistant

Cap Gemini America, Inc., New York, NY, 1995 – 1997
Legal Assistant, Office of General Counsel

Moroze, Sherman, Gordon & Gordon, New York, NY, 1993 – 1995
Paralegal

Bar Admission:

- Illinois

Additional Work Experience:

Web site systems operator; assistant to college registrar; medical office receptionist; waitstaff; office assistant; library desk attendant; research laboratory assistant; theater usher; house painter; personal assistant to stock broker; and soda fountain clerk.