

SEAN M. O'CONNOR  
soconnor@alumni.stanford.edu

## ACADEMIC APPOINTMENTS

George Mason University, Antonin Scalia Law School, Arlington, VA

1/19 – *Professor of Law*  
*Faculty Director, Center for Intellectual Property x Innovation Policy (C-IP<sup>2</sup>)*  
*Founding Faculty Director, Innovation Law Clinic*  
*Advisory Board, Institute for Digital InnovAtion (IDIA) and Arlington Innovation District initiative*

University of Washington School of Law, Seattle, WA

1/03 – 6/19 *Boeing International Professor of Law*  
*Chair, Center for Advanced Studies and Research on Innovation Policy (CASRIP)*  
*Chair, UW IP Management Advisory Committee*  
*Affiliate Faculty, Digital Media and Experimental Arts (DX ARTS)*  
*Deputized Counsel, UW Office of the Washington State Attorney General*  
*Founding Faculty Director, Entrepreneurial Law Clinic*  
*Founding Faculty Director, Cannabis Law & Policy Project*  
*Chair, Faculty Hiring Committee*  
*Elected Member, Law School Executive Council*

Boston College Law School, Newton Centre, MA

7/18-12/18 *Visiting Professor*

Centre d'Études Internationales de la Propriété Intellectuelle (CEIPI)

Université de Strasbourg, Strasbourg FRANCE

9/16 – 7/17 *Visiting Professor & Researcher*

Centre de Recherche sur le Droit des marchés et des Investissements Internationaux (CREDIMI)

Université de Bourgogne, Dijon FRANCE

3/16-4/16 *Visiting Professor*

Center for Intellectual Property Rights (CIR), Katholieke Universiteit, Leuven BELGIUM

4/13-5/13 *Quinz Global Law Professor*

George Washington University School of Law, Washington, D.C.

8/12–6/13 *Visiting Professor*

University of California, Berkeley School of Law, Berkeley, CA

7/07–12/07 *Visiting Professor & Kauffman Fellow in Law & Entrepreneurship*

University of Pittsburgh School of Law, Pittsburgh, PA

7/01 – 6/03 *Assistant Professor*

## PUBLICATIONS

### Books

OXFORD HANDBOOK ON MUSIC LAW & POLICY (Editor, *in publication* Oxford University Press 2021)

METHOD+OLOGY AND THE MEANS OF INNOVATION (*forthcoming* Oxford University Press 2022)

GENETIC TECHNOLOGIES AND THE LAW: CASES AND MATERIALS (with Patricia Kuszler and Katherine BATUELLO) (Carolina Academic Press, 2007)

### Book Chapters

*The Lead Sheet Problem in Music Copyright: Williams and Skidmore revealed the systematic diminution of pop music's aural composers*, in STEVEN D. JAMAR & LATEEF MTIMA EDS., HANDBOOK OF INTELLECTUAL PROPERTY AND SOCIAL JUSTICE: ACCESS, INCLUSION, EMPOWERMENT (*forthcoming* Cambridge Univ. Press 2021)

*The curious contrast between corporate authorship and inventorship in the United States*, in NIKLAS BRUUN & MARJA-LEENA MANSALA EDS., RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND EMPLOYMENT LAW (Edward Elgar Publishing, Ltd. 2021)

*Authors and Inventors Under U.S. IP Law: Implications for Software and AI Generated Works*, in AMÉLIE FAVREAU ED., INTELLECTUAL PROPERTY BEYOND ITS BORDERS (Larcier 2019)

*The Promises and Perils of Digital Business Models*, in GLOBAL PERSPECTIVES AND CHALLENGES FOR THE INTELLECTUAL PROPERTY SYSTEM PUBLICATION SERIES (CEIPI-ICTSD 2018)

*Transforming Professional Services to Build Regional Innovation Ecosystems*, in MEGAN CARPENTER ED., INNOVATION AND ENTREPRENEURSHIP IN EVOLVING ECONOMIES: THE ROLE OF LAW (Edward Elgar Publishing, Ltd. 2012)

*Controlling the Means of Innovation: The Centrality of Private Ordering Arrangements for Innovators and Entrepreneurs*, in ROBERT LITAN ED., HANDBOOK ON LAW, INNOVATION AND GROWTH (Edward Elgar Publishing, Ltd., 2011)

*The Central Role of Law as a Meta Method in Creativity and Entrepreneurship*, in SHUBHA GHOSH, ED., LAW, CREATIVITY & ENTREPRENEURSHIP (Edward Elgar Publishing, Ltd., 2011)

*Navigating the Issues of Multidisciplinary Student Teams Serving University Spin-offs*, in GARY D. LIBECAP ET AL., EDS., SPANNING BOUNDARIES AND DISCIPLINES: UNIVERSITY TECHNOLOGY COMMERCIALIZATION IN THE IDEA AGE (Emerald Books 2010)

*U.S. Perspective on IP and Antitrust Issues in Proposed Biosimilars Regulatory Pathway*, in CLOTILDE JOURDAIN-FORTIER ET ISABELLE MOINE-DUPUIS, LES PRATIQUES DE L'INDUSTRIE PHARMACEUTIQUE AU REGARD DU DROIT DE LA CONCURRENCE (LexisNexis Litec 2010) (FRANCE)

*IP Transactions as Facilitators of the Globalized Innovation Economy*, in ROCHELLE DREYFUSS, DIANE L. ZIMMERMAN, AND HARRY FIRST, EDS., WORKING WITHIN THE BOUNDARIES OF INTELLECTUAL PROPERTY (Oxford University Press, 2010)

Translated into Korean, KAIST (2010) (KOREA)

*Enabling Research or Unfair Competition? De Jure and De Facto Research Use Exceptions in Major Technology Countries*, in TOSHIKO TAKENAKA ED., PATENT LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH (Edward Elgar Publishing, Ltd., 2008)

*La Legislación Como Impulsora De Las Innovaciones Tecnológicas Y Su Comercialización*, in JORGE AGUIRRE HERNÁNDEZ & ROBERTO GARZA-LEONARD EDS., PROPIEDAD INDUSTRIAL CERTIDUMBRE

JURIDICA Y COMPETITIVIDAD (Fondo Editorial, Nuevo Leon & Universidad de Monterrey, 2005)  
(MEXICO)

### Law Review and Peer Reviewed Articles

*The Damaging Myth of Patent Exhaustion*, 28 TEXAS INTELL. PROP. L.J. 443 (2020)

*Distinguishing Different Kinds of Property in Patents and Copyrights*, 27 GEO. MASON L. REV. 205 (2019) (invited symposium issue prior to joining faculty)

*The Surprising Reach of FDA Regulation of Cannabis, Even After Descheduling*, 68 AMER. UNIV. L. REV. 823 (2019) (with Erika Lietzan)

*Patented Electric Guitar Pick-Ups and the Creation of Modern Music Genres*, 23 GEO. MASON L. REV. 1007 (2016) (invited conference issue prior to joining faculty)

*The Risks of Clouded Property Title for Cannabis Business Owners, Investors, And Creditors*, 3 TEXAS A&M J. OF PROP. L. 67 (2016) (with Jason Liu; invited cannabis property law symposium issue)

*The Overlooked French Influence on the Intellectual Property Clause*, 82 U. CHICAGO L. REV. 733 (2015)

*Creators, Innovators, and Appropriation Mechanisms*, 22 GEO. MASON L. REV. 973 (2015) (invited conference issue prior to joining faculty)

*The Lost “Art” of the Patent System*, 2015 U. ILLINOIS L. REV. 101 (2015)

*Crowdfunding’s Impact on Start-Up IP Strategy*, 21 GEO. MASON L. REV. 895 (2014) (invited conference issue prior to joining faculty)

*The Real Issue Behind Stanford v. Roche: University Patent Assignment Policies and the Flawed Legacy of the 1947 Biddle Report*, 19 MICHIGAN TELECOMM. & TECH. L. REV. 379 (2013)

Reprinted in EMPLOYMENT LAW AND INTELLECTUAL PROPERTY LAW (Ann L. Monotti, ed., Edward Elgar 2018)

*Patents as Promoters of Competition: The Guild Origins of Patent Law in the Venetian Republic*, 50 SAN DIEGO L. REV. 1267 (2012) (with Ted Sichelman)

*Taking, Tort, or Crown Right? The Confused Early History of Government Patent Policy*, 12 REV. INTELL. PROP. L. 145 (2012) (solicited article)

*Hired to Invent vs. Work Made for Hire: Resolving the Inconsistency Among Rights of Corporate Personhood, Authorship, and Inventorship*, 35 SEATTLE L. REV. 1227 (Berle III Symposium invited article) (2012)

*The Aftermath of Stanford v. Roche: Which Law of Assignments Governs?* 24 INTELL. PROP. J. 29 (2011) (CANADA) (solicited article)

Translated and reprinted as Sean O’Connor, *The Aftermath of Stanford v. Roche: Which law of Assignments Governs?* № 1 (9) Человеческий Капитал и Профессиональное Образование [Human Capital and Professional Education] 36 (2014) (RUSSIA)

*Defusing the “Atomic Bomb” of Patent Litigation: Avoiding and Defending Against Allegations of Inequitable Conduct After McKesson et al*, 9 J. MARSHALL REV. INTELL. PROP. L. 330 (solicited article) (2009)

Selected as one of the best IP articles of 2010 and reprinted in KAREN B. TRIPP, ED., INTELLECTUAL PROPERTY LAW REVIEW 2010 (Thomson Reuters (West) 2010)

*Teaching IP From an Entrepreneurial Counseling and Transactional Perspective*, 52 SAINT LOUIS UNIV. L.J. 877 (solicited IP teaching issue) (2008)

*Using Stock and Stock Options to Minimize Patent Royalty Payment Risks after MedImmune v. Genentech*, 3 N.Y.U. J. L. BUS. 381 (2007).

*The Use of MTAs to Control Commercialization of Stem Cell Diagnostics & Therapeutics*, 21 BERKELEY TECH. L.J. 1017 (2006)

*Restoring Auditor Independence by Reestablishing Audits as Control and Premium Signaling Mechanisms*, 81 WASH. L. REV. 525 (2006)

*IP Rights and Stem Cell Research: Who Owns the Medical Breakthroughs?*, 39 NEW ENGLAND L. REV. 665 (solicited stem cell symposium issue) (2005)

*Be Careful What You Wish For: How Accountants and Congress Created the Problem of Auditor Independence*, 45 BOSTON COLLEGE L. REV. 741 (2004)

*The Supreme Court's Philosophy of Science: Will the Real Karl Popper Please Stand Up?* 35 JURIMETRICS J. 263 (1995)

### **Other Articles & Writings**

*No, the government cannot seize, break or 'bypass' pharmaceutical patents—even for COVID-19*, THE HILL (Nov. 25, 2020)

*Cancel culture, copyright, and the Harper's letter*, THE HILL (Jul. 11, 2020)

*Avoiding another Great Depression through a developmentally layered reopening of the economy*, THE HILL (Apr. 27, 2020)

*Amicus Brief of Sean M. O'Connor and Institute for Intellectual Property and Social Justice, Skidmore v. Led Zeppelin*, CA 16-56057 & 16-56287 (9<sup>th</sup> Cir. 2019)

*Amicus Brief of Institute for Intellectual Property and Social Justice, Williams v. Gaye*, CA 15-56880 (9<sup>th</sup> Cir. 2016)

*Overdue Legal Recognition for African-American Artists in 'Blurred Lines' Copyright Case*, SEATTLE TIMES (May 20, 2015) (with Lateef Mtima and Lita Rosario)

*The Internet Does Not Reset the Copyright-Free Speech Balance*, Policy Brief, Center for Protection of IP, George Mason University School of Law (Nov. 2013)

*The Impact of Stanford v. Roche on Technology Licensing under Bayh-Dole*, 47 PROCUREMENT LAW 5. (Winter 2012) (with James G. McEwen, Susan Warshaw Ebner, and John E. McCarthy, Jr.)

*Practical Implications of Stanford v. Roche for Ownership of University Inventions*, BIOTECH BRIEFING (solicited article) (2011) (ABA Section of Science & Technology Law, Biotechnology Law Committee)

*Don't Repeat California's Science Funding Mistake*, SEATTLE POST INTELLIGENCER (April 2005)

*Historical Context of U.S. Bayh-Dole Act: Implications for Indian Government Funded Research Patent Policy*, 3 SOC'Y TECH. MANAGEMENT NEWSLETTER 2 (solicited article) (Hyderabad, July 2008) (INDIA)

*Biometrics and Identification after 9/11*, 7 BENDER'S IMMIGR. BULL. 159 (2002)

*Collected, Tagged, & Archived: The Burgeoning Use of Biometrics in Personal Identification*, 3 BENDER'S IMMIGR. BULL. 1245 (1998)

*Regressus and the Scientific Revolution: A Defense of Zabarella's Contribution to Scientific Methodology* (M.A. Thesis, 1995; filed with Arizona State University Library)

### Commissioned Reports

*Legal Context of University Intellectual Property and Technology Transfer* (lead author, with Gregory Graff and David Winickoff) (National Academy of Science, 2010)  
<[sites.nationalacademies.org/PGA/step/PGA\\_058712](http://sites.nationalacademies.org/PGA/step/PGA_058712)>

Featured in: Tony Dutra, *Conferences/Technology Transfer: Professor Offers Modest Tweak to Bayh-Dole To Address Major Concerns of Opponents*, 81 BNA'S PATENT, TRADEMARK & COPYRIGHT JOURNAL 13 (Nov. 26, 2010); and TECHNOLOGY TRANSFER TACTICS (Nov. 17, 2010)

*How to Build IPR-Focused Entrepreneurial Law and Business Clinics to Assist Regional and Economic Development Around the Globe* (International Intellectual Property Institute, Washington, D.C., 2008)

Translated and reprinted in Japanese by Tokyo Medical and Dental University (2010) (JAPAN)

### AWARDS, GRANTS, AND FELLOWSHIPS

- 2014 – 2015 *Mark Twain Fellow*, Center for the Protection of IP, George Mason School of Law  
Non-resident fellow developing research papers on copyright law and policy.
- 2013 – 2014 *Faculty Scholarship Award of Excellence in Law Review Articles*. UW School of Law
- 2013 – 2014 *Thomas Edison Fellow*. Center for Protection of IP, George Mason School of Law  
Non-resident fellow developing research papers on patent law and policy.
- 2013 – 2016 *Leonardo da Vinci Fellow*. Center for Protection of IP, George Mason School of Law  
Non-resident fellow funded for research on forthcoming book, *Method+ology and the Means of Innovation*
- 2006 – 2014 *Entrepreneurial Law Clinic Grant*. Herbert B. Jones Foundation  
Principal Investigator for two sequential multiple year grants for Entrepreneurial Law Clinic
- 2008 – 2010 *Legal Context of University IP Contract Research*. The National Academies  
Lead author for National Academies of Science report, *Legal Context of University IP and Technology Transfer*
- 2008 – 2010 *Clinical Translational Science Award*. National Institutes of Health  
Funding for commercialization work at Institute for Translational Health Sciences
- 2006 – 2010 *Entrepreneurial Law Clinic - Grant #4757*. The Coleman Foundation  
Principal Investigator for grant for Entrepreneurial Law Clinic
- Entrepreneurial Law Clinic Grant*. Washington Law School Foundation  
Principal Investigator for grant for Entrepreneurial Law Clinic
- 2008 *Academic Award*. Association for the Protection of Intellectual Property (AIPPI)
- 2007 *Kauffman Fellowship in Law & Entrepreneurship*, University of California, Berkeley School of Law  
Funded research on issues at the intersection of IP law and entrepreneurship
- 2004 – 2005 *Faculty Development Grant*. Shidler Center for Law, Commerce + Technology  
Funded research on IP and innovation issues in technology transfer.
- 1996 *Brown and Bain Fellow in Law & High Technology*. Stanford Law School

Funded research on legal aspects of biometrics and national ID cards.

## EDUCATION

- J.D. 1998 Stanford Law School Stanford, CA  
*Executive Editor*, Stanford Law Review  
*Co-Founder & Executive Director*, Stanford Technology Law Review  
*Submissions Editor*, Stanford Journal of International Law  
*Keith Mann Scholar*  
*President*, Stanford Law & Technology Association  
*Teaching/Research Assistant*: Professors Ronald Gilson, Margaret Jane Radin, and John Barton
- M.A. 1995 Arizona State University Tempe, AZ  
*Philosophy* *Regents Graduate Academic Scholar; Graduate Assistant Scholar*  
*Phi Kappa Phi National Honor Society*  
*Teaching Assistant*: Profs. Michael White, Jane Maienschein, Brad Armendt, and Stewart Cohen  
Thesis: *Regressus and the Scientific Revolution: A Defense of Zabarella's Contribution to Scientific Methodology*
- B.A. 1988 University of Massachusetts Boston, MA  
*History* History of technology and culture with coursework in math, science, engineering, and computer programming.

## LEADERSHIP, PROFESSIONAL EXPERIENCE & CONSULTING

- 2/20 - The Circle Foundation, Seoul KOREA  
*Member*, Board of Directors
- 10/12 - Copyright Alliance, Washington, D.C.  
*Member*, Academic Advisory Board
- 11/20 – 6/21 Timshel, Los Angeles, CA  
*Member*, Board of Directors
- 1/14 – 1/16 Association of American Law Schools, Washington, D.C.  
*Chair*, Section of Art Law (1/15-1/16); *Chair-elect*, Section of Art Law (1/14-1/15)
- 9/11 - 12/14 Kolidr (formerly RockStar Motel, Inc.), Seattle, WA  
*Consultant*
- 5/10 – 8/11 Graham & Dunn P.C. (now Miller Nash Graham & Dunn), Seattle, WA  
*Of Counsel, Emerging Companies & Entrepreneurs Practice Group and Intellectual Property Practice Group*
- 4/08 – 7/10 Seed IP Law Group PLLC, Seattle, WA  
*Of Counsel*
- 7/01 – 12/06 Rhizome.org New York, NY  
*General Counsel and Board Member*
- 1/04 – 8/04 American Mensa Ltd., Arlington, TX  
*Interpretive Counsel*
- 3/00 – 6/01 Hale and Dorr LLP (now WilmerHale) Boston, MA

*Associate, Corporate Department, Technology Transactions & Licensing Group*

8/98 – 3/00 Weil, Gotshal & Manges LLP New York, NY

*Associate, Corporate Department*

**PROFESSIONAL AFFILIATIONS**

Admitted to law practice in New York, Massachusetts, and Washington State.

Order of the Coif, Washington Chapter; American Bar Association; American Intellectual Property Law Association; New York State Bar Association; Massachusetts Bar Association; Washington State Bar Association; Licensing Executives Society

**PRESENTATIONS, CONFERENCES, INTERVIEWS, AND REFERENCES** *available on request*