

## JOSEPH SCOTT MILLER

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University of Georgia School of Law  
Athens, GA

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### Experience

Professor, University of Georgia School of Law, June 2011 – Present

*Current Courses* – Antitrust, IP Law Survey, Patent, Telecommunications

*Committees* – Academic Affairs, Institutional Assessment, Faculty Colloquia

Faculty Director, Georgia Law at Oxford Program, Aug 2015 – Present

Chair-Elect, IP Law Section, Association of American Law Schools

Professor, Lewis & Clark Law School, June 2002 – May 2011

Visiting Ass't Professor, Northwestern U. Law School, June 2001 – May 2002

Attorney, Antitrust Div'n, U.S. Dep't of Justice, July 2000 – May 2001

Associate, Sidley Austin, Chicago & DC, Sept 1996 – June 2000

Law Clerk, Judge Paul Michel, U.S. Court of Appeals for the Federal Circuit,  
Washington, DC, Aug 1994 – Aug 1996

### Education

Northwestern University, Chicago, IL

Juris Doctor, *cum laude*, 1994; Articles Ed., *Nw. U. Law Review*

Northwestern University, Evanston, IL

Master of Science in Social Psychology, 1991

St. John's College, Annapolis, MD

Bachelor of Arts in Liberal Arts, 1989

Silver Medalist – student with the highest academic standing

### Web

*Oral Argument* Podcast, Dec 2013 – Present

Co-host and co-founder, with Prof Christian Turner

[www.hydratext.com/oral-argument](http://www.hydratext.com/oral-argument)

Semaphore Press Inc., Aug 2008 – Present

Co-owner and co-founder, with Prof Lydia Loren

[www.semaphorepress.com](http://www.semaphorepress.com)

## Publications & Presentations

### Publications

Abercrombie 2.0—*Can We Get There From Here? Thoughts on “Suggestive Fair Use,”* 77 OHIO ST. L.J. FURTHERMORE 1 (2016)

*The Idea of the Casebook: Pedagogy, Prestige, and Trusty Platforms*, 11 WASH. J.L. TECH. & ARTS 31 (2015), with Lydia Loren [ symposium on “disruptive publishing models” ]

INTELLECTUAL PROPERTY LAW: CASES & MATERIALS  
(4th ed. 2015), with Lydia Loren

PATENT LAW: CASES & MATERIALS (2d ed. 2015)

*Error Costs & IP Law*, 2014 U. ILL. L. REV. 175

*Joint Defense or Research Joint Venture? Reassessing the Patent-Challenge-Bloc’s Antitrust Status*, 2011 STANFORD TECH. L. REV. 5

*Substance, Procedure, and the Divided Patent Power*, 63 ADMIN. L. REV. 31 (2011)

*Bilski v. Kappos: Everything Old is New Again*, 15 LEWIS & CLARK L. REV. 1 (2011)

PATENTS (2010) (collection of patent law reprints with an original introduction; part of E. Elgar Publishing’s *Critical Concepts in Intellectual Property Law* series)

*Hoisting Originality*, 31 CARDOZO L. REV. 451 (2009)

*Level of Skill and Long-felt Need: Notes on a Forgotten Future*,  
12 LEWIS & CLARK L. REV. 579 (2008)

*Remixing Obviousness*, 16 TEXAS INTELL. PROP. L.J. 237 (2007)

*Standard Setting, Patents, and Access Lock-In: RAND Licensing and the Theory of the Firm*, 40 INDIANA L. REV. 351 (2007)

*Patent Ships Sail an Antitrust Sea*, 30 SEATTLE U. L. REV. 395 (2007)

*Nonobviousness: Looking Back and Looking Ahead*, in 2 INTELLECTUAL PROPERTY & INFORMATION WEALTH 1 (Peter Yu ed., 2007)

*Foreword: Why Open Access to Scholarship Matters*,  
10 LEWIS & CLARK L. REV. 733 (2006)

*The Proven Key: Roles and Rules for Dictionaries at the Patent Office and the Courts*, 54 AM. U. L. REV. 829 (2005), with James Hilsenteger

*Enhancing Patent Disclosure for Faithful Claim Construction*,  
9 LEWIS & CLARK L. REV. 177 (2005)

*Building a Better Bounty: Litigation-Stage Rewards for Defeating Patents*, 19 BERKELEY TECH. L.J. 667 (2004)

*This Bitter Has Some Sweet: Potential Antitrust Enforcement Benefits from Patent Law's Procedural Rules*, 70 ANTITRUST L.J. 875 (2003)

*Allchin's Folly: Exploding Some Myths About Open Source Software*,  
20 CARDOZO ARTS & ENT. L.J. 491 (2002)

*The Expert as Educator*, in EXPERT WITNESSES IN CHILD ABUSE CASES (Ceci & Hembrooke eds., 1998), with Ronald J. Allen

*Muddy Waters: Infringement Analysis After Markman and Warner-Jenkinson*,  
7 FED. CIR. B.J. 227 (1997), with Clyde Willian

*The Expert as Educator: Enhancing the Rationality of Verdicts in Child Sex Abuse Prosecutions*, 1 PSYCHOL., PUB. POL'Y, & L. 323 (1995), with Ronald J. Allen

*The Common Law Theory of Experts: Deference or Education?*,  
87 NW. U. L. REV. 1131 (1993), with Ronald J. Allen

## Presentations

*Reasonably Certain Notice: Judging Patent Claims After Nautilus & Festo*, 12th annual Works-in-Progress Intellectual Property Conference, USPTO, Feb 5, 2015

*Error Costs & IP Law*, Oxford Intellectual Property Invited Speaker Seminar Series, St. Peter's College, Oxford University, Jan 24, 2013

*Error Costs & IP Law*, University of Michigan Law School IP Colloquium, Dec 5, 2012

*Function Talk in Patent Claims: Categorizing, Construing, and Erring on the Side of Caution*, PatCon2, Boston College Law School, May 11, 2012

Discussant, *Convening Cultural Commons*, Engelberg Center on Innovation Law & Policy, NYU Law School, Sept 23-24, 2011

*Substance, Procedure, and the Divided Patent Power*, Fall 2009 Intellectual Property Workshop Series, Dinwoodey Center for Intellectual Property Studies, George Washington University Law School, Nov 5, 2009

*Hoisting Originality*, University of Richmond Law School, Intellectual Property Institute's Inaugural Virtual Workshop, Apr 6-14, 2009

*Licensing Consequences of MedImmune*, FTC Hearing:  
The Evolving IP Marketplace, Dec 5, 2008

*Hoisting Originality*, Works in Progress I.P. Conference, Tulane Law School, Oct 3, 2008

*Remixing Obviousness*, 7th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Aug 9, 2007

*What If Joe Meigs Had Written the Nonobviousness Statute?*, 4th Annual IP & Communications Law Program Symposium: “What Ifs and Other Alternative IP & Cyberlaw Stories,” Michigan State University Law School, March 30, 2007

*Nonobviousness, Situationism, and the Banality of Invention*, 7th Annual CIPLIT Symposium: “Patents & Progress: Reflections in the Midst of Change,” DePaul University Law School, March 16, 2007

Panelist, *Willfulness After Knorr-Bremse*, Judicial Conference of the U.S. Court of Appeals for the Federal Circuit, Washington, DC, May 19, 2006

Panelist, *Patents & Competition: Are We Moving in the Right Direction?*, At the Intersection of Antitrust and Intellectual Property Law: Looking Both Ways to Avoid a Collision, Seattle University Law School, Apr 7, 2006

*Standard Setting, Patents, and Access Lock-In: RAND Licensing and the Theory of the Firm*, 33rd Annual TPRC Research Conference on Communication, Information, and Internet Policy, George Mason University Law School, Sept 23-25, 2005

Panelist, *Roundtable: Patent Analysis as a Part of Antitrust Enforcement*, The Berkeley Conference on Antitrust in the Technology Economy (co-sponsored by the ABA’s Antitrust and I.P. Sections and Berkeley’s Competition Policy Center), June 9-10, 2005

*The Proven Key: Roles & Rules for Dictionaries at the Patent Office and the Courts*, 4th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Aug 2, 2004

*The Proven Key: Roles & Rules for Dictionaries at the Patent Office and the Courts*, Spring 2004 Intellectual Property Workshop Series, Dinwoodey Center for Intellectual Property Studies, George Washington University Law School, March 25, 2004

*Building a Better Bounty: Litigation-Stage Rewards for Defeating Patents*, 3rd Annual Intellectual Property Scholars Conference, University of California at Berkeley School of Law, Aug 8-9, 2003

*This Bitter Has Some Sweet: Antitrust Enforcement Benefits from Patent Law’s Procedural Rules*, USDOJ / FTC Joint Hearings on Competition and I.P. Law and Policy in the Knowledge-Based Economy, May 14, 2002