

## 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 Law

*Committees* – Institutional Assessment (2015-present), Faculty Affairs (2015-17)

*Student Advising* – Journal of IP Law, IP Law Society, OUTLaw

Faculty Director, Georgia Law at Oxford Program, Aug 2015 – Aug 2017

Chair, IP Law Section, Association of American Law Schools, 2017

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 (graduating student with the highest academic standing)

### Web

*Oral Argument* Podcast, Dec 2013 – Present

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

[www.oralargument.org](http://www.oralargument.org)

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

*Charting Supreme Court Patent Law, Near and Far*, 17 CHI.-KENT J. INTELL. PROP. 377 (2018)

*Which Supreme Court Cases Influenced Recent Supreme Court IP Decisions? A Citation Study*, 21(2) UCLA J.L. & TECH. 1 (2017)

*Reasonable Certainty & Corpus Linguistics: Judging Definiteness after Nautilus & Teva*, 66 KANSAS L. REV. 39 (2017)

*The Immorality of Requesting Expedited Review*, 21 LEWIS & CLARK L. REV. 211 (2017)

*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  
(5th ed. 2017), 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*, 6th Annual IP Scholars' Roundtable, University of New Hampshire Law School, Oct 8, 2016

*Legal Process & Penalty Defaults: Thoughts on the New Patent Jurisprudence*, Intellectual Property in the Trees Annual Speaker Series, 2016-17, Lewis & Clark Law School

*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

*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

*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