

PETER LEE

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CURRENT POSITION

The University of California, Davis, School of Law, Davis, CA

Professor of Law

2010 – present

Acting Professor of Law

2006 – 2010

Courses taught: Innovation and Technology Transfer, Intellectual Property, Patent Law, Property. Faculty advisor: Intellectual Property Externship.

EDUCATION

Yale Law School, J.D., 2005

The Yale Law Journal, Yale Law & Policy Review, Yale Journal of International Law

Schell Fellowship in International Human Rights

Harvard University, A.B., magna cum laude, History and Science, 1998

Honors thesis, *Gottfried Leibniz, China, and the Metaphysics of Cross-Cultural Exchange* (1998)

PUBLICATIONS

The Accession Insight and Patent Infringement Remedies, 110 MICH. L. REV. 175 (2011)
(winner, 2011 Samsung-Stanford Patent Prize)

Contracting to Preserve Open Science: Lessons for a Microbial Research Commons, in
DESIGNING THE MICROBIAL RESEARCH COMMONS: PROCEEDINGS OF AN INTERNATIONAL
WORKSHOP 69 (National Academies Press, 2011)

Substantive Claim Construction as a Patent Scope Lever, 1 IP THEORY 100 (2010)
(symposium)

Patent Law and the Two Cultures, 120 YALE L.J. 2 (2010) (lead article), reprinted in
INTELL. PROP. L. REV. (2011)

Toward a Distributive Commons in Patent Law, 2009 WIS. L. REV. 917

Innovating Between and Within Technological Paradigms: A Response to Samuelson, 94
MINN. L. REV. HEADNOTES 1 (2009)

Interface: The Push and Pull of Patents, 77 FORDHAM L. REV. 2225 (2009)

Contracting to Preserve Open Science: Consideration-Based Regulation in Patent Law, 58 EMORY L.J. 889 (2009)

The Evolution of Intellectual Infrastructure, 83 WASH. L. REV. 39 (2008)

Inverting the Logic of Scientific Discovery: Applying Common Law Patentable Subject Matter Doctrine to Constrain Patents on Biotechnology Research Tools, 19 HARV. J.L. & TECH. 79 (2005)

Note, *Patents, Paradigm Shifts, and Progress in Biomedical Science*, 114 YALE L.J. 659 (2004)

SELECTED SCHOLARLY PRESENTATIONS AND WORKSHOPS

Aug. 2011 – present

“Transcending the Tacit Dimension: Markets, Relationships, and Organizations in Technology Transfer,” Conference of the Asian Pacific American Law Faculty, Hofstra Law School, Nov. 4, 2011

“Patent Law and the Two Cultures,” 14th Annual Niro, Haller & Niro Distinguished Intellectual Property Lecture, DePaul University College of Law, Oct. 28, 2011

Moderator, “A Conversation with the Judiciary,” DePaul University College of Law, Oct. 28, 2011 (panel discussion with five judges from the Northern District of Illinois)

“Transcending the Tacit Dimension: Markets, Relationships, and Organizations in Technology Transfer,” University of Pennsylvania School of Law, Oct. 10, 2011

Aug. 2010 – July 2011

“From Title to Tacit Knowledge: Engaging Faculty Inventors in Academic Technology Transfer,” CASRIP High Technology Protection Summit, University of Washington School of Law, July 22, 2011

“Patent Law and the Two Cultures,” Faculty of Law, University of Chile, July 8, 2011

“Toward a Distributive Commons in Patent Law,” Faculty of Law, University of Chile, July 7, 2011

“Transcending the Tacit Dimension: Markets, Relationships, and Organizations in Technology Transfer,” Faculty of Law, University of Chile, July 5, 2011

“The Accession Insight and Patent Infringement Remedies,” Law and Society Association Annual Meeting, June 4, 2011

“IP-related Agreements: Beyond Obtaining and Licensing Intellectual Property Rights,” Regional Seminar and Workshop on Innovation, Intellectual Property Management, and Technology Commercialization, Nairobi, Kenya, May 24, 2011

“Unleashing the Potential of Government-Sponsored Research: The Bayh-Dole Act and University-Industry Technology Transfer,” Regional Seminar and Workshop on Innovation, Intellectual Property Management, and Technology Commercialization Nairobi, Kenya, May 24, 2011

“Transcending the Tacit Dimension: Markets, Relationships, and Organizations in Technology Transfer,” Symposium, Bayh-Dole @ 30: Mapping the Future of University Patenting, University of California, Davis, School of Law, Apr. 30, 2011

“The Accession Insight and Patent Infringement Remedies,” Intellectual Property Colloquium Seminar / Center for Law, Innovation & Economic Growth Faculty Workshop, Washington University School of Law, Apr. 15, 2011

“The Accession Insight and Patent Infringement Remedies,” Fordham IP and Innovation Colloquium, Fordham Law School, Apr. 11, 2011

“The Accession Insight and Patent Infringement Remedies,” The Patent Conference, Kansas University School of Law, Apr. 8, 2011

“The Accession Insight and Patent Infringement Remedies,” Southwest Junior Law Professors Workshop, Arizona State University Sandra Day O’Connor College of Law, March 14, 2011

Moderator, “Managing Intellectual Property in a Growing Venture,” Symposium, Entrepreneurship and the Law: Navigating the Legal Challenges Facing Growing Ventures, UC Davis Business Law Journal, University of California, Davis, School of Law, March 11, 2011

“The Accession Insight and Patent Infringement Remedies,” Samsung-Stanford Patent Prize symposium, Stanford Law School, Feb. 18, 2011

“Transcending the Tacit Dimension: Markets, Relationships, and Institutions in Technology Transfer,” Works in Progress Intellectual Property Colloquium, Boston University School of Law, Feb. 11, 2011

“Transcending the Tacit Dimension: Markets, Relationships, and Institutions in Technology Transfer,” Conference of the Asian Pacific American Law Faculty, University of Hawai’i at Manoa William S. Richardson School of Law, Dec. 12, 2010

Moderator, “From the Lab to the Patient: Intellectual Property in Personalized Medicine,” Symposium, Personalized Medicine: Getting the Prescription Right, University of California, Davis, School of Law, Nov. 5, 2010

Moderator, “Inventing Innovation: Intersections between IP, STS, and Management,” Bay Area Intellectual Property Professors meeting, University of California, Davis, School of Law, Oct. 14, 2010

“Claim Construction as a ‘Scope Lever,’” Symposium, *Patent Scope Revisited: Merges and Nelson’s “On the Complex Economics of Patent Scope,” 20 Years After*, Indiana University Maurer School of Law, Sept. 24, 2010

“The Limitations of Intellectual Property: Tacit Knowledge and Vertical Academic Integration,” Intellectual Property Scholars Conference, University of California, Berkeley, School of Law, Aug. 12, 2010

Aug. 2009 – July 2010

“The Limitations of Intellectual Property: Tacit Knowledge and Vertical Academic Integration,” Faculty of Law, University of Copenhagen, June 17, 2010

Invited Participant, User and Open Innovation: How Should Intellectual Property Law Respond? A Workshop of the NYU Engelberg Center on Innovation Law and Policy and the UC Berkeley Center for Law & Technology, May 28-29, 2010

“The Limitations of Intellectual Property: Tacit Knowledge and Vertical Academic Integration,” Law and Society Association Annual Meeting, May 27, 2010

“Patent Law and the Two Cultures,” 3rd Annual Junior Scholars in IP Workshop, Michigan State University College of Law, Apr. 3, 2010

“Patent Law and the Two Cultures,” First Annual Southwest/West Junior Law Faculty Workshop, Arizona State University Sandra Day O’Connor College of Law, March 5, 2010

Moderator, “Managing Intellectual Property in a Challenging Economic Climate,” Symposium, *Technology Transactions in a Post Financial Crisis Economy*, UC Davis Business Law Journal, University of California, Davis, School of Law, March 12, 2010

Paper Commentator, Conference of the Asian Pacific American Law Faculty, University of Arizona James E. Rogers College of Law, March 6, 2010

“Toward a Distributive Commons in Patent Law,” Conference of the Asian Pacific American Law Faculty, University of Arizona James E. Rogers College of Law, March 4, 2010

Invited Participant, TI:GER Graduate Education In Technology Commercialization Kauffman Sponsored Workshop, Georgia Tech University College of Management, Feb. 26-27, 2010

“Public Norms and Private Ordering in Patent Law,” Panelist, Intellectual Property and Private Ordering, Association of American Law Schools Annual Meeting, Jan. 9, 2010

“Toward a Distributive Commons in Patent Law,” The University of Arizona James E. Rogers College of Law, Dec. 11, 2009

Panelist, “Accessing Public Technology: Issues In Government and University Technology Transfer,” Symposium, CleanTech in the New “Environmental” Environment, University of California, Davis, School of Law, Nov. 6, 2009

“Contracting to Preserve Open Science: Lessons for a Microbial Research Commons,” Designing the Microbial Research Commons: An International Symposium, National Academy of Sciences, Oct. 8, 2009

“Patent Law and the Two Cultures,” Works in Progress Intellectual Property Colloquium, Seton Hall University School of Law, Oct. 3, 2009

“Patent Law and the Two Cultures: Technology, Formalism, and the Supreme Court’s Holistic Turn,” Patent Scholarship Colloquium, Santa Clara University School of Law, Sept. 26, 2009

“Patent Law and the Two Cultures,” Intellectual Property Scholars Conference, Cardozo School of Law, Aug. 6, 2009

Aug. 2008 – July 2009

Panel Chair, Second Summer Institute in Intellectual Property, Biotechnology, and Agricultural Sciences, Drake University Law School, June 2, 2009

“Toward a Distributive Commons in Patent Law,” Law and Society Association Annual Meeting, May 29, 2009

“Toward a Distributive Commons in Patent Law,” Conference of the Asian Pacific American Law Faculty, University of California, Davis, School of Law, March 28, 2009

“Toward a Distributive Commons in Patent Law,” 2009 Intellectual Property Scholars Roundtable, Drake University Law School, Feb. 27, 2009

“Toward a Distributive Commons in Patent Law,” Bay Area Intellectual Property Professors meeting, University of California Hastings College of the Law, Feb. 4, 2009

“The Contractual Creation of a Biomedical Research Commons,” Symposium, Biolaw 2.0 – Law at the Frontiers of Biology, hosted by the Kansas Journal of Law & Public Policy, Kansas University School of Law, Nov. 14, 2008

Moderator, “Patent Reform in Congress: Evolution in the Innovation Framework,” Symposium, The Perfect Storm of Patent Reform? New Directions in the Law of Science and the Useful Arts, University of California, Davis, School of Law, Nov. 7, 2008

“The Perfect Storm of Patent Reform: A Primer,” King Hall Intellectual Property Law Association, University of California, Davis, School of Law, Nov. 5, 2008

“Contracting to Preserve Open Science: The Privatization of Public Policy in Patent Law,” Symposium, When Worlds Collide: Intellectual Property at the Interface Between Systems of Knowledge Creation, Fordham Law School, Oct. 31, 2008

“Contracting to Preserve Open Science: The Privatization of Public Policy in Patent Law,” Works in Progress Intellectual Property Colloquium, Tulane University Law School, Oct. 4, 2008

“Contracting to Preserve Open Science: The Privatization of Public Policy in Patent Law,” Intellectual Property Scholarship Seminar, University of California, Berkeley, School of Law, Sept. 18, 2008

“Public Norms and Private Ordering: The Contractual Construction of a Basic Biomedical Research Commons,” Intellectual Property Scholars Conference, Stanford Law School, Aug. 8, 2008

Aug. 2007 – July 2008

“The Evolution of Intellectual Infrastructure,” Chicago IP Colloquium, Chicago-Kent College of Law, Feb. 26, 2008

“The Evolution of Intellectual Infrastructure,” University of California, Davis, School of Law, Sept. 26, 2007

“Nonobviousness,” Stanford IP Seminar for Chinese Judges, Stanford Law School, Aug. 13, 2007

“Accommodating the Evolution of Intellectual Infrastructure,” Intellectual Property Scholars Conference, DePaul University College of Law, Aug. 9, 2007 (plenary presentation)

Aug. 2006 – July 2007

Moderator, Panel on Alternative Dispute Resolution, Milton L. Schwartz American Inn of Court, May 9, 2007

CONFERENCES ORGANIZED

Co-organizer, Symposium, Personalized Medicine: Getting the Prescription Right, University of California, Davis, School of Law, Nov. 5, 2010

Co-organizer, Symposium, The Perfect Storm of Patent Reform? New Directions in the Law of Science and the Useful Arts, University of California, Davis, School of Law, Nov. 7, 2008

LAW SCHOOL AND UNIVERSITY SERVICE

Committee Service at University of California, Davis, School of Law

Alumni Board Faculty Representative (2011-present)

Grade Appeal Ad Hoc Committee (2011)

Faculty Appointments Committee (2010-11)

Judicial Clerkship Committee (2008-11)

Admissions Committee (2009-10)

Career Services Counselor Search Committee (2009-10)

Faculty Advisor, Journal of International Law & Policy (2009-10)

Academic Appeals Committee (2008-09)

Library Advisory Committee (2008-09)

Website Redesign Committee (2007-09)

Law School New Building Committee (2007-08)

Additional Service at University of California, Davis, School of Law

Faculty Member, Center for Science & Innovation Studies (2010-present)

Co-editor, Faculty Blog (2009-present)

Faculty Council Member, California International Law Center (2008-present)

Faculty Advisor, Giles S. Rich Intellectual Property Moot Court team (2006-present)

Pritikin Award Judge (2008-10)

Hopkins Award Judge (2007-09)

Campus Service, University of California, Davis

Advisory Board Member, Public Intellectual Property Resource for Agriculture

“Intellectual Property and Technology Commercialization” Licensing Academy
(2010-present)

Building Renovation Committee (previously, Campus Appointed Building
Committee) (2008-present)

Law School Delegate, Representative Assembly of the Academic Senate (2009-11)

Second Alternate Representative, Academic Senate (2007-08)

Steering Committee Member, Governors’ Global Climate Summit 3 (2010)

Steering Committee Member, E3 Economic Prosperity, Energy and the Environment
Roundtable (2010)

Participant, Chancellor’s Fall Conference (2007)

Helped establish an externship program for law students at UC Davis InnovationAccess,
the university’s office of technology transfer (2007-present)

Professional and Other Service

Litigation Committee Member, American Association of University Professors (2011-present)

PEER REVIEWER

Oxford University Press, Aug. 2011
The Yale Law Journal, Feb. 2011
The Yale Law Journal, Aug. 2010

CLERKSHIP

The Honorable Barry G. Silverman, United States Court of Appeals for the Ninth Circuit, Phoenix, AZ (2005-06)

GRANTS AND AWARDS

Samsung-Stanford Patent Prize (2011)
Martin Luther King, Jr. Hall Research Scholar (2009-present)
Nominee, Distinguished Teaching Award (2008, 2009)
Small Grant in Aid of Research (2007, 2008, 2010)

MEDIA

Featured interview, Sebastián Vega Morales, *Experto de EEUU en propiedad intelectual: “Los chilenos le tienen miedo al fracaso,”* ECONOMÍA ENTREVISTA, July 11, 2011

Commentary on *Stanford v. Roche* (2011), KQED public media, June 6, 2011

The California Report, “Stanford Drug Patent Case,” KQED public media, March 1, 2011

Featured guest, Hearsay Culture (hour-long public radio program devoted to technology and Internet issues), KZSU Stanford Radio, Nov. 3, 2010

BAR ADMISSION

State Bar of California (2007-present)

PROFESSIONAL AFFILIATIONS

American Bar Association (2006-present)
Korean American Bar Association of Northern California (2007-present)
Milton L. Schwartz American Inn of Court (2006-07)

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