



SEAN M. FLYNN

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

Associate Director

Program on Information Justice and Intellectual Property

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Courses taught: Constitutional Law (Witswatersrand); Intellectual Property, Human Rights & Development; Human Rights & Access to Medicine (Pretoria); Intersection of IP & Healthcare

Research interests: U.S. and international legal frameworks governing access to medicines, information and other essential goods and services. Expertise in constitutional and human rights law, intellectual property, international trade (TRIPS), utility regulation, antitrust and consumer protection law.

EDUCATION

HARVARD LAW SCHOOL, J.D., *magna cum laude*, 1999

Hankin Fund General University Scholar; Board of Student Advisors

PITZER COLLEGE, B.A., honors, Political Studies, 1992

CLERKSHIPS

HON. RAYMOND C. FISHER, 9th Circuit Ct. of Appeals, 2001-02

CHIEF JUSTICE ARTHUR CHASKALSON, South Africa Constitutional Court 1999-2000

BAR ADMISSIONS

State of Maryland

District of Columbia

First Circuit Court of Appeals

Federal Circuit Court of Appeals

PRIOR TEACHING AND ACADEMIC POSITIONS

Adjunct Professor, Advanced Topics in Constitutional Law, University of Witwaterstrand, Johannesburg, South Africa, 2001

Lecturer, Comparative Law on Defamation, Freedom of Expression Seminar, University of Witwaterstrand, 2001

Research Associate, Municipal Services Project, University of Witwatersrand, Johannesburg, South Africa, 2001

Research Assistant, Professor Lucie White, Am. Assoc. of Law Schools, New Strategies in the Inner City Conference, Harvard Law School, 1998

Instructor, Legal Argument and Reasoning, Harvard Law School, 1997-1998

Lecturer, with Duncan Kennedy, Legal History and Law Teaching: From the Realists to Critical Legal Studies, Legal Argument and Reasoning Teacher Training Course, Harvard Law School, Spring 1998

PRIOR EXPERIENCE

SPIEGEL & MCDIARMID, Associate, 2004-2006
Local government representation in utility and telecommunications issues.

CONSUMER PROJECT ON TECHNOLOGY, Senior Attorney, 2002-04
Headed international access to medicine project.

CIVIL RIGHTS DIVISION, U.S. DEPT. OF JUSTICE, 1992-96
-Office of the Assistant Attorney General Deval Patrick, 1994-96
-White House Affirmative Action Review (Detail) 1996
-Disability Rights Section, 1992-94

AWARDS

Honors Program, Civil Rights Division, U.S. Dept of Justice, 2001 (declined)
J. William Fulbright Foreign Scholarship, 1999
Frederick Sheldon Traveling Fellowship, Harvard University, 1999
Irving Kaufman Fellowship, Harvard Law School, 1999
Hankin Fund General University Scholarship, Harvard University, 1997-99
Outstanding Service Award, U.S. Dept of Justice, 1995
Special Achievement Award, U.S. Dept of Justice, 1993, 1994

SELECTED PUBLICATIONS

Competition Strategies for Access to Medicines, Book Chapter in FROM INTELLECTUAL PROPERTY TO ACCESS KNOWLEDGE (A. Kapszynski Ed. Forthcoming 2009)

Economic Justifications for Open Access to Essential Medicine Patents in Developing Countries, ___ Am. J. L. & Med. ___ (forthcoming 2009).

The Constitutionality of State Regulation of Prescription Data Mining, BNA Pharmaceutical Law and Industry Report (2007).

Abbott's Refusal to Register Medicines as a Contravention of Section 28 of the Thailand Competition Act, in RIGHT TO LIFE (ed. Kannikar Kijtiwatchakulk 2008)

Who's Afraid of Competition? The Latest Assaults on Municipal Provision of Broadband Services and the Competitive Ideals of the Communications Act. 13 Journal of Municipal Telecommunications Policy 6 (2006)

with Robert Jablon & Mark Hegedus, *Dispelling Myths: A Real World Perspective on Trinko*, 50 ANTITRUST BULL. 589 (2006).

with Tim Lay, *Brand X and the New Agency Kings*, 46 Municipal Lawyer 6 (2005).

with Robert Jablon & Mark Hegedus, *Verizon Communications v. Trinko: The Message for Cities is Caution*, 45 MUN. LAW. 18 (2005).

Democratizing the Regulation and Governance of Water in the U.S., in RECLAIMING PUBLIC WATER: ACHIEVEMENTS, STRUGGLES AND VISIONS FROM AROUND THE WORLD (2005).

with Danwood Chirwa, *Constitutional Issues and the Right to Water*, in THE AGE OF

COMMODITY: WATER PRIVATIZATION IN SOUTHERN AFRICA (David A. McDonald & Greg Ruiters eds., 2004).

Legal Strategies for Expanding Access to Medicines, 17 EMORY INTERNATIONAL LAW JOURNAL 535 (2003), Lexus Symposium on Intellectual Property and Public Health (April 2003).

A Program for Democratic Growth: Savings and Investment Models for the New South Africa (2002) (unpublished manuscript, presented to Conference on Law and Transformation, Johannesburg, 2001).

LITIGATION BRIEFS

Abbott's Refusal to Register Medicines as a Contravention of Section 28 of the Thailand Competition Act. Trade Competition Commission: Bangkok, Thailand (Oct. 2007)

Brief for AARP et. Al., IMS v. Ayotte (1st Cir. Sept. 7, 2007)

Oral argument, *IMS Health v. Ayotte*, First Circuit Court of Appeals: Boston, MA. (Feb. 2008)

Consumer Project on Technology, Final Report: Denial of Essential Facilities and Exclusionary Acts in the Case of *Hazel Tau v. GlaxoSmithKline et. al*, South Africa Competition Commission (2003).

LEGISLATIVE TESTIMONY

Free Speech and Prescription Data Privacy, Testimony before the Joint Standing Committee on the Judiciary, West Virginia Legislature (August 26, 2008)

Limiting the Sale of Prescribing Information by Pharmacies or Others. New York General Assembly Committee on Health: New York City, NY. (Feb. 2008)

DC's Safe Rx Act of 2007. DC City Council Committee on Health: Washington, DC. (Oct. 2007)

Legal Challenges to State Pharmaceutical Regulation. National Legislative Association on Prescription Drug Prices: Portland, ME. (Oct. 2007)

PAPER PRESENTATIONS

Patents and Innovation in Developing Countries, Franklin Pierce Law School, IP Colloquium (April 2008)

The TRIPS Agreement and Prizes. George Washington University: Washington, DC. (Feb. 2008)

Competition Grounds for Compulsory Licenses, Seminario Internacional: Los Tratados Internacionales ante el Acceso a los Medicamentos, Caracas, Venezuela (2006).

Competition Grounds for Compulsory Licenses for Needed Medicines in Developing Countries, Médecins Sans Frontières Neglected Diseases Group Meeting, National Centre for Drug Research, Universiti Sains Malaysia, Paneng, Malaysia (February 2004).