



AMERICAN UNIVERSITY

W A S H I N G T O N , D C

CURRICULUM VITAE **JOSHUA DAVID SARNOFF**

TEACHING EXPERIENCE

2001-PRESENT, WASHINGTON COLLEGE OF LAW, AMERICAN UNIVERSITY

Professor of the Practice of Law and Associate Director, Glushko-Samuelson IP Law Clinic

Patent law professor; co-founder of one of the first law-school based public-interest intellectual property law clinics and proponent of U.S. Patent and Trademark Office pilot program certifying clinical student practice; coordinator of intellectual property law clinics network and listserv; organizer of and participant in numerous conferences on intellectual property law.

Courses Taught: Patent Law and Regulation; Glushko-Samuelson Intellectual Property Law Clinic; Droit Américaine de la Propriété Intellectuelle (at U. Paris X – Nanterres); Intellectual Property, Communications, and Technology Law Externship Seminar; Ritsumeikan Seminar – IP Law

Honors: 2006 Emalee C. Godsey Award for Scholarship (one of four annual WCL awards for all faculty scholarship) for The Historic and Modern Doctrine of Equivalents and Claiming the Future, Part I (1790-1870), 87 **J. Pat. & Trademark Off. Soc'y** 371 (2005), and The Historic and Modern Doctrine of Equivalents and Claiming the Future, Part II (1870-1952), 87 **J. Pat. & Trademark Off. Soc'y** 441 (2005).

SPRING 2010, DEPAUL UNIVERSITY COLLEGE OF LAW

Visiting Professor of Law.

Courses Taught: Patent Law.

1994-1996, UNIVERSITY OF ARIZONA COLLEGE OF LAW

Assistant Professor of Law (returned to Washington, DC for family medical reasons)

Courses Taught: Patent and Copyright Law, Civil Procedure, Environmental Law, Comparative and International Environmental Federalism

EDUCATION

STANFORD LAW SCHOOL, Palo Alto, CA

Juris Doctor, 1986

Administrative Editor, Stanford Law Review

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Cambridge, MA

Bachelor of Science, 1981

Honors: Phi Beta Kappa

REFERENCES FURNISHED UPON REQUEST

ACADEMIC PUBLICATIONS

- Patents and Morality: Religion, Science, Law and Modern Disputes over the Uses of Nature** (Edward Elgar Press, forthcoming 2010)
- Medicine, in **IP and Human Development: Current Trends and Future Scenarios** (Public Interest Intellectual Property Advisors-Ford Foundation Study, Cambridge U. Press, forthcoming 2009, with Claudia Inês Chamas and Ben Prickril)
- Lessons from the United States in regard to the recent, more flexible application of injunctive relief, in **Intellectual Property Enforcement: International Perspectives** (Xuan Li & Carlos Correa eds., Edward Elgar Press 2009)
- Recent Developments Affecting the Enforcement, Procurement, and Licensing of Research Tool Patents, 23 **Berkeley Tech. L. J.** 1299 (2008, with Christopher Holman, originally prepared for the Institute for Future Technology for inclusion in a Report to the Japanese Patent Office)
- Clinical Legal Education and the Public Interest in Intellectual Property Law, 52 **St. Louis U. L.J.** 735 (2008, with Christine Haight Farley, Peter Jaszi, Ann Shalleck, and Victoria Phillips, in symposium on teaching intellectual property law)
- Bilcare, KSR*, Presumptions of Validity, Preliminary Relief, and Obviousness in Patent Law, 25 **Cardozo Arts & Ent. L.J.** 995 (2008)
- A Cross-Atlantic Dialog on Experimental Use and Research Tools, 48 **IDEA** 122 (2008, with Henrik Holzapfel)
- BIO v. DC* and the New Need to Eliminate Federal Patent Law Preemption of State and Local Price and Product Regulation, 2007 **Patently-O Patent L.J.** 30
- Patent Protection Under the Modern Doctrine of Equivalents and Implied Disclaimer Doctrines, in 2 **Intellectual Property and Information Wealth: Issues and Practices in the Digital Age** (Peter K. Yu ed. Praeger Publishers 2007)
- Shaking the Foundations of Patentable Subject Matter (commissioned draft presented GWU-Oracle Symposium 2006), current draft at <http://www.wcl.american.edu/pijip/go/research>
- The Doctrine of Equivalents and Claiming the Future After *Festo*, 14 **Fed. Cir. B.J.** 403 (2005)
- The Historic and Modern Doctrine of Equivalents and Claiming the Future, Part II (1870-1952), 87 **J. Pat. & Trademark Off. Soc'y** 441 (2005)
- The Historic and Modern Doctrine of Equivalents and Claiming the Future, Part I (1790-1870), 87 **J. Pat. & Trademark Off. Soc'y** 371 (2005)
- Comment on *Merck v. Integra*, **IIC** (Max Planck Institute for Intellectual Property, Competition and Tax Law, July 2005)
- Abolishing the Doctrine of Equivalents and Claiming the Future After *Festo*, 19 **Berkeley Tech. L.J.** 1157 (2004)
- Environmental and Natural Resources Regulation, in **Developments in Admin. L. & Reg. Practice 1999-2000** (Jeffrey S. Lubbers, ed. ABA 2001, with W. Wagner and J. Entin)
- Environmental and Natural Resources Regulation, in **Developments in Admin. L. & Reg. Practice 1998-1999** (Jeffrey S. Lubbers, ed. ABA 2000, with W. Wagner)
- I Come To Praise Morality, Not To Bury It, 84 **Iowa L. Rev.** 819 (1999)
- Equality as Uncertainty, 84 **Iowa L. Rev.** 377 (1999)
- A World Law Without Agreement On Environmental Values?, 10 **Col. J. Int. Env'tl. L. & Pol'y** 251 (1999)

Threading the Labyrinth Of Agency's OSWRO Rule, 29 **Env't. Rep.** 2198 (1999)
A Reply To Professor Revesz's Response In "The Race To The Bottom And Federal Environmental Legislation", 8 **Duke Env't. L. & Pol'y Forum** 295 (1998)
Cooperative Federalism, The Delegation of Federal Power, and the Constitution, 39 **Ariz. L. Rev.** 205 (1997)
The Continuing Imperative (But Only From A National Perspective) For Federal Environmental Protection, 7 **Duke Env't. L. & Pol'y Forum** 225 (1997)
Risk Assessment Policy Under Superfund and RCRA, in **1997 Environmental Deskbook** (Morgan, Lewis & Bockius LLP 1997)
RCRA Policy Documents: Finding Your Way through the Maze of EPA Guidance on Solid and Hazardous Waste (ed., ABA 1993, with T.L. Garrett)
Supreme Court Decisions in Waste Cases Settle Pending Issues But Promise Further Activity, 23 **Env't. Rep.** 692 (1992)
Free Commerce and Sound Waste Management: Some International Comparative Perspectives, 15 **Int. Env't. Rep.** 207 (1992, with J.T. Smith, II)

BRIEFS AND TESTIMONY

Pro-bono advocacy in the U.S. Supreme Court, U.S. Court of Appeals for the Federal Circuit, the U.S. Congress, and federal agencies addressing important patent law issues and proposed legislation, on behalf of public-interest non-profit organizations and coalitions of legal and non-legal academics. Details provided upon request.

PRESENTATIONS, PANEL MODERATION, BLOGS, AND MEDIA APPEARANCES

Presentations, discussions, and interviews in a variety of forums regarding domestic and international patent law, intellectual property law and dispute resolution, environmental law, international trade negotiations, and clinical legal education. Details provided upon request.

SELECTED RECENT CONSULTING EXPERIENCE

2007 JOHN D. & CATHERINE T. MACARTHUR FOUNDATION

Responsibilities: providing advice on public-interest concerns and potential funding opportunities for patent law research and policy development.

2005 UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Responsibilities: researching and drafting (with Carlos Correa) an analysis of potential international treaty requirements regarding the disclosure of the origins of genetic resources and traditional knowledge that form the basis for intellectual property applications, submitted by UNCTAD in response to a request from the Convention on Biological Diversity. *Analysis of Options for Implementing Disclosure of Origin Obligations in Intellectual Property Applications*, UNCTAD/DITC/TED/2005/14, available at <http://www.cbd.int/doc/meetings/abs/abswg-04/information/abswg-04-inf-02-en.pdf>.

PROFESSIONAL EXPERIENCE

1996-2001, **Of Counsel**, MORGAN, LEWIS & BOCKIUS LLP, Washington, DC

Responsibilities: providing advice, litigation, and regulatory and legislative strategy regarding international, federal, and state environmental and patent laws.

1991-1994, **Associate**, COVINGTON & BURLING, Washington, DC

Responsibilities: providing advice, litigation, and regulatory and legislative strategy regarding international, federal, and state environmental, patent, food and drug, and insurance laws.

1987-1990, **Attorney**, ENVIRONMENTAL PROTECTION AGENCY, Washington, DC

Responsibilities: negotiating, interpreting, and implementing international treaties, and providing advice, litigation, and regulatory and legislative strategy regarding state authorization and preemption issues and hazardous waste regulations and liability.

1986-1987, **Clerk**, U.S. CIRCUIT JUDGE IRVING L. GOLDBERG, Dallas, TX

Responsibilities: drafting and editing of judicial opinions; providing legal advice; and developing case management strategies.

SELECTED RECENT PUBLIC SERVICE ACTIVITIES

Member of Board of Governors of the Federal Circuit Bar Association; Member of Boards of Directors, Advisory Boards, and Committees for non-profit organizations; consulting on intellectual property laws, trade, and development issues for intergovernmental organizations, developing-country governments, and for-profit corporations and non-profit organizations; pro-bono judicial, legislative, and administrative advocacy on behalf of non-profit organizations; mediating patent cases as a court-appointed pro-bono mediator for the U.S. Court of Appeals for the Federal Circuit; and former Chair of the Education Committee, American Intellectual Property Law Association. Details provided upon request.

BAR MEMBERSHIPS

U.S. Patent and Trademark Office

District of Columbia

State of California

U.S. Supreme Court

U.S. Court of Appeals for the Federal, D.C., Third, Fifth, and Ninth Circuits

U.S. District Courts for the Northern District of California and for the District of Columbia