

# Michael V. Risch

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## **Education:**

- 10/95-6/98      **The Law School, University of Chicago.** J.D. degree with high honors. Order of the Coif. Olin Fellow in Law and Economics. Bradley Fellow in Law and Economics.
- 9/88-6/92      **Stanford University.** A.B. degree with honors and distinction in Public Policy and with distinction in Quantitative Economics. Received Official National Merit Scholarship.

## **Academic Experience:**

- 6/10-present      **Associate Professor, Villanova University School of Law.**  
*Classes taught:* Patent Law, Cyberlaw, IP Survey, Advanced IP Seminar  
*AALS Service:* Executive Committee, Section on Internet and Computer Law  
*Other Service:* Peer-review referee
- 6/07-6/10      **Associate Professor of Law and Project Director - Entrepreneurship, Innovation and Law Program, West Virginia University College of Law.**
- 7/06-7/07      **Olin Fellow in Law, Stanford Law School.** National fellowship.

## **Publications:** (citations hyperlinked to SSRN where available: <http://ssrn.com/author=582820>)

Patent Troll Myths, [42 Seton Hall L. Rev.](#) (forthcoming 2012)

An Empirical Look at Trade Secret Law's Shift from Common to Statutory Law, INTELLECTUAL PROPERTY AND THE COMMON LAW (Shyam Balganes, ed., forthcoming chapter 2012)

IP and Entrepreneurship in an Evolving Economy: A Case Study, ENTREPRENEURSHIP AND INNOVATION IN EVOLVING ECONOMIES: THE ROLE OF LAW (Megan Carpenter, ed., [forthcoming](#) chapter 2012)

A Surprisingly Useful Requirement, [19 George Mason L. Rev 57](#) (2011)

Life After Bilski, [63 Stan. L. Rev. 1315](#) (2011), with Mark Lemley, Ted Sichelman, and R. Polk Wagner

Trade Secret Law and Information Development Incentives, RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND TRADE SECRECY (Rochelle Cooper Dreyfuss and Katherine Strandburg, eds., [2011](#))

A Failure of Uniform Laws?, [159 U. Pa. L. Rev. PENNumbra 1](#) (2010)

Reinventing Usefulness, [2010 BYU L.J.](#) 1195, reviewed in John F. Duffy, *Patent Utility Reduxit*, JOTWELL (May 5, 2010), <http://ip.jotwell.com/patent-utility-reduxit/>

Forward to the Past, 2009-2010 [Cato Supreme Court Review](#) 333 (2010), reprinted in PATENT LAW REVIEW 2011 (ThomsonWest, forthcoming 2011)

A Brief Defense of the Written Description Requirement, [119 Yale L.J. Online 127](#) (2010), reprinted in PATENT LAW REVIEW 2011 (ThomsonWest, forthcoming 2011)

Patent Challenges and Royalty Inflation, [85 Indiana L.J. 1003](#) (2010)

Virtual Rule of Law, [112 W. Va. L. Rev. 1](#) (2009 symposium issue)

Virtual Third Parties, [25 Santa Clara Computer & High Tech. L.J. 415](#) (2009), reprinted in VIRTUAL WORLD – A LEGAL ANALYSIS (Amicus Books 2010), reviewed in James Grimmelmann, *Third Parties to the Rescue*, JOTWELL (Nov. 9, 2009), <http://cyber.jotwell.com/17/>

Comments on Trade Secrets in High Velocity Labor Markets, [12 Emp. Rights and Emp't Pol. J. 339](#) (2009)

Everything is Patentable, [75 Tenn. L. Rev. 591](#) (2008)

The Failure of Public Notice in Patent Prosecution, [21 Harv. J. L. & Tech. 179](#) (2007)

Why Do We Have Trade Secrets?, [11 Marquette Int. Prop. L. Rev. 1](#) (2007)

How Can *Whelan v. Jaslow* and *Lotus v. Borland* Both be Right? Re-Examining the Economics of Computer Software Reuse, [17 J. Marshall J. Comp. & Info. Law 511](#) (1999)

Virtual Reality - A Legal Overview, with Jack Russo ([chapter](#) in Computer Software treatise by Clark Boardman Callaghan) (1995)

### **Other Relevant Experience:**

7/98-present     **Russo & Hale LLP/Computer Law Group**, Palo Alto, California.  
Of Counsel (June 2006-), Partner (2003-2006), Associate (1998-2002). Advanced practice in intellectual property and complex business litigation, including trial; arbitration; appeals; motion practice; mediation; discovery; ADR neutral; intellectual property protection, auditing, and risk analysis; licensing negotiation and drafting.

3/93-present     **Owner/Consultant, Risch Consulting**.  
Consulting business in computer software and hardware design, installation, and support. Published commercial encryption program for popular electronic mail program. Developed law firm web portal and provided support to other programmers.

### **Other Writings:**

Madisonian Blog, contributor, <http://www.madisonian.net> (Dec. 2010 – present)

Prawfsblawg, guest contributor, <http://prawfsblog.blogs.com> (Oct. 2008, June 2009, Nov. 2009, June 2010, Nov. 2010, May 2011, December 2011)

The Valley Current Blog (Computerlaw Group LLP practitioner newsletter), contributor, <http://valleycurrent.blogspot.com/> (Sept. 2010-present)

Patents and Computer Software, Computer Software (Thomson West 2012) (treatise chapter), co-author

[Response](#) to U.S. Patent and Trademark Office Request for Comments Regarding Patent Quality (March 1, 2010)

Amicus Curiae [Brief](#) of 20 Law and Business Professors in Support of Neither Party: *Bilski v. Kappos*, No. 08-964 in the Supreme Court of the United States (Aug. 6, 2009), with Mark A. Lemley, Ted Sichelman, R. Polk Wagner.

“The Idea’s the Thing,” *Legal Times* (May 12, 2008) (Op-Ed re patentable subject matter).

Amicus Curiae Brief of 22 Law and Business Professors in Support of Appellants: *In Re Bernard L. Bilski and Rand A. Warsaw*, No. 08/833, 892 in the United States Court of Appeals for the Federal Circuit (April 7, 2008), with John Allison, Mark A. Lemley, R. Polk Wagner.

Intellectual Property Law Updates, editor, for National Business Institute seminar (2008).

Advanced Programming for Novell Groupwise (technical manual), with three others, for Novell, Inc. (2002).

Law of the Internet in California, with Jack Russo and John Kelley, for National Business Institute seminar (2001).

“Copyright Protection for Virtual Realities: Brave New World Emerges,” with Jack Russo, National Law Journal (October 17, 1994).

Federal Anti-Poverty Job Training: Problems in the Past and Hope for the Future. Public Policy Departmental Honors Thesis (1992).

Juvenile Crime in San Mateo County: 1989 Report, for Criminal Justice Council of San Mateo County (1990).

### **Memberships:**

California State Bar (IP Section)

West Virginia State Bar (IP Committee)

U.S. Supreme Court Bar

Ninth Circuit Bar

Federal Circuit Bar

American Bar Association (IP Section)

American Association of Law Schools (Section on Intellectual Property)

American Intellectual Property Law Association

San Francisco Bay Area Intellectual Property Inns of Court (until 2007)

Stanford Intellectual Property Litigation Clearinghouse – member, Trade Secrets Working Group

Public Justice

### **Presentations and Conferences:**

*Micro and Macro Patent Policy*, ArticleOne Partners Napa Valley Summit, November 2011

*An Empirical Look at Trade Secret Law's Shift from Common to Statutory Law*, Ludwig Maximillians University Mobility & Competition Clause Workshop, Sept. 2011

*Patent Troll Myths*, IP Scholars Conference, August 2011

*An Empirical Look at Trade Secret Law's Shift from Common to Statutory Law*, Villanova Law School Junior Faculty Workshop, June 2011

*An Empirical Look at Trade Secret Law's Shift from Common to Statutory Law*, Penn. Law Colloquium on the IP and Common Law, May 2011

*IP and Entrepreneurship in an Evolving Economy: A Case Study*, Texas Wesleyan Colloquium on The Role of Law in an Evolving Economy, April 2011

*Patent Troll Myths*, Cyberlaw Collquium (hosted by Rutgers – Camden), February 2011

*Life After Bilski*, Practicing Law Institute, 5<sup>th</sup> Annual Patent Law Institute, February 2011

*Life After Bilski*, Moderator, Stanford Law Review symposium (co-author presented paper), January 2011

*New Uses for Patent Utility*, Saint Louis University School Faculty Workshop, November 2010

*Bilski v. Kappos*, Indiana University (Indianapolis) College of Law, October 2010

*Bilski v. Kappos*, Ohio State University College of Law, October 2010

*Bilski v. Kappos*, Indiana University College of Law, October 2010

*Law and Literature Symposium*, Panel Chair, Villanova University School of Law, October 2010

*New Uses for Patent Utility*, University of Missouri Law School Faculty Workshop, September 2010

*New Uses for Patent Utility*, IP Scholars Conference, August 2010

*New Uses for Patent Utility*, Villanova Junior Faculty Workshop, June 2010

*Empirical Study of Litigious Non-Practicing Entities*, Law & Society Conference, May 2010

*A Failure of Public Notice?*, Hamline Law Review Symposium on the Uniform Trade Secrets Act, April 2010

*Bilski and Software Patents*, Memphis Law School, April 2009

*Patent Challenges and Royalty Inflation*, Villanova University School of Law, Jan. 2010

*Patent Challenges and Royalty Inflation*, DePaul University School of Law, Dec. 2009

*Updates in Intellectual Property Law*, WV CLE presentation, Oct. 2009

*Patent Utility as a Policy Lever*, Santa Clara Work-in-Progress Roundtable, Sept. 2009

*Patent Challenges and Royalty Inflation*, University of Utah College of Law, Sept. 2009

*Patent Challenges and Royalty Inflation*, IP Scholars Conference, Aug. 2009

*Patentable Subject Matter after Bilski*, SEALS conference, Aug. 2009

*Entrepreneurship Law Clinic*, WV Biometrics Initiative Forum, June 2009

*Patentable Subject Matter*, George Washington University conference on Patents and Entrepreneurship in Business and Information Technologies, invited commentator, June 2009

*Entrepreneurship Law Clinic*, Eastern Panhandle Entrepreneurship Forum, June 2009

*Virtual Rule of Law*, Digital Entrepreneurship Symposium, WVU College of Law, Mar. 2009

*Trade Secret Law and Information Development Incentives*, NYU Law School, Feb. 2009

*Entrepreneurship Law Clinic*, WV Cheat Lake Rotary Club, Dec. 2008

*Everything is Patentable*, Bauer Lecture Series workshop, Cardozo Law School, Nov. 2008

*Entrepreneurship Law Clinic*, WV Young Entrepreneur Support Network, Nov. 2008

*Work/Life Balance*, panel speaker, WVU College of Law, Oct. 2008

*Cyberlaw Update: How the Law is Changing*, WV CLE presentation, Oct. 2008

*Understanding the Current Financial Crisis*, panel speaker, WVU College of Law, Oct. 2008

*Virtual Third Parties*, presentation at Faculty Colloquia, WVU College of Law, Sept. 2008

*West Virginia Computer Crimes*, presentation at WV Homeland Security Summit, June 2008

*Everything is Patentable*, presentation at Faculty Colloquia, WVU College of Law, Feb. 2008

*Orientation Address*, High School Minority Law Day, WVU College of Law, Feb. 2008

*Trade Secrets in High Velocity Labor Markets*, 2008 AALS Conferences, Section of Law & Economics, invited commentator, January 2008

*Everything is Patentable*, presentation at WIPIP Conference, American U. Law School, Sept. 2007

*Everything is Patentable*, presentation at IP Scholars Conference, DePaul Law School, August 2007

*“What If’s” Conference* – Michigan State University, conference fellow, March 2007

*Trade Secret Roundtable*, Berkeley Center for Law & Technology, invited participant, October 2006

*Why Do We Have Trade Secrets?*, Santa Clara University Law School, October 2006

*American Inns of Court* – Bay Area Intellectual Property chapter - several presentations, mock hearings, and panel discussions on intellectual property issues, 1998-2007

*Law of the Internet* - Seminar for National Business Institute, with others, 2001

*New Legal Problems for the Internet Age* - Alameda County Bar Association Intellectual Property & Computer Law Committee, 2001

*Wireless Law Offices* - TechLaw Institute, 2001

*Economics of Copyright and Computer Software* - Santa Clara University Law School, 2000

*Cyberspace Law School* - Co-presented trade secret session for Glasser Legal Works, 2000, 2001