

Michael V. Risch

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:

- 6/07-present **Associate Professor of Law and Project Director - Entrepreneurship, Innovation and Law Program, West Virginia University College of Law.**
Classes taught: Patent Law, Cyberlaw, Entrepreneurship Law Clinic
Primary Committees: Academic Planning, Appointments
Faculty Advisor: Entrepreneurship Law Clinic, Digital Entrepreneurship (law review) symposium, International Trade Commission externship, Intellectual Property Law Students Association, Jewish Law Students Association
University Service: Business Plan Contest judge, Pi Lambda Phi planning committee
AALS Service: Executive Committee, Section on Law & Computers
Other Service: Peer-review referee
- 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>)

Empirical Study of Litigious Non-Practicing Entities (data gathering in progress)

A Triumph of Uniform Laws? (essay, in progress)

Reinventing Usefulness (draft in progress)

Bilski v. Kappos, 2009-2010 Cato Supreme Court Review (forthcoming 2010, invited submission)

A Brief Defense of Written Description, 119 Yale L.J. Online __ (forthcoming 2010)

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

Trade Secret Law and Information Development Incentives, RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND TRADE SECRECY (Rochelle Cooper Dreyfuss and Katherine Strandburg, eds., [forthcoming chapter](#) 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 WORLDS AND LAW (L. Padmavathi ed., forthcoming 2010), reviewed in James Grimmelman, *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:

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.

Guest blogger, Prawfsblawg, <http://prawfsblawg.blogs.com/> (Oct. 2008, June 2009, Nov. 2009). Several posts on financial crisis and bailout, academic research, patentable subject matter, and Communications Decency Act.

“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:

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, 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