

MICHAEL MATTIOLI

Indiana University Maurer School of Law
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Bloomington, IN 47405
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EDUCATION

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, Philadelphia, PA

Juris Doctor, May 2007

Honors: Awarded the Alvin S. Ackerman Prize for Academic Achievement
Awarded Honors in Legal Writing

Journal of Labor and Employment Law: Comments Editor; Associate Editor

TUFTS UNIVERSITY, Medford, MA

Bachelor of Science, *cum laude*, Computer Engineering, May 2001

Activities: Guest Engineering Lecturer Following Graduation

IEEE Member

Host of weekly community radio program, Station WMFO

BOOKS

BIG DATA IS NOT A MONOLITH (*MIT Press, 2016*).

co-editor with professors Cassidy Sugimoto and Hamid Ekbia

ARTICLES

Patent Pool Outsiders

33:1 BERKELEY TECHNOLOGY LAW JOURNAL (forthcoming 2018).

Measuring the Costs and Benefits of Patent Pools

77 OHIO STATE LAW JOURNAL (forthcoming 2017) (with Robert Merges).

The Data-Pooling Problem

32:1 BERKELEY TECHNOLOGY LAW JOURNAL (forthcoming 2017).

Disclosing Big Data

99 MINNESOTA LAW REVIEW 525 (2014).

Power and Governance in Patent Pools

27 HARVARD JOURNAL OF LAW & TECHNOLOGY 421 (2014).

Big Data, Bigger Dilemmas (peer reviewed)

JOURNAL OF THE AMERICAN SOCIETY FOR INFORMATION SCIENCE AND TECHNOLOGY
(forthcoming, 2014 (with Hamid Ekbia, Cassidy Sugimoto, et al.).

Communities of Innovation

106 NORTHWESTERN UNIVERSITY LAW REVIEW 103 (2012).

Partial Patents

111 COLUMBIA LAW REVIEW 207 (2011) (with Gideon Parchomovsky).

Cooling-Off & Secondary Markets

15 VIRGINIA JOURNAL OF LAW & TECHNOLOGY 227 (2010).

Opting Out: Procedural Fair Use

11 VIRGINIA JOURNAL OF LAW & TECHNOLOGY 3 (2007).

The Impact of Open Source on Preinvention Assignment Agreements

9 UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW 207 (2006).

BOOK CHAPTERS & ESSAYS

Data Policy in the United States

an invited essay in Intellectual Property Journal (IPJ) / Zeitschrift für Geistiges Eigentum (ZGE), published by Mohr Siebeck (Germany) (forthcoming 2017).

Cancer: From a Kingdom to a Commons

in KATHERINE STRANDBURG ET AL. (eds.) GOVERNING MEDICAL RESEARCH COMMONS (Cambridge University Press, forthcoming 2017).

Empirical Studies of Patent Pools

in PETER MENELL ET AL. (eds.) RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW, VOL. II (Edward Elgar, forthcoming 2017).

Quasi-Patents & Semi-Patents in Biobanking

in UMBERTO IZZO ET AL. (eds.) COMPARATIVE ISSUES IN THE GOVERNANCE OF RESEARCH BIOBANKS (Springer, 2013) (with Gideon Parchomovsky).

COMMENTARY

Michael Mattioli Discusses the Benefits of Outsiders as They Relate to Patent Pools

Technology/Policy/Academics (Microsoft), August 4, 2017.

Merges and Mattioli on the Costs and (Enormous) Benefits of Patent Pools

Written Description (IP academic blog), July 22, 2016.

Big Business, Big Government, and Big Legal Questions

Managing Intellectual Property, October, 2014 (Print).

Sharing Healthcare Data Not as Easy as it Sounds

Los Angeles Times, October 14, 2014 (op-ed letter).

What Does Big Data Mean for Intellectual Property Protection?

Technology/Policy/Academics (Microsoft), October 10, 2014.

Hoosier's Startup Ditto Fights for its Life Against Surprising Foe: WellPoint

The Indianapolis Star, Sep. 22, 2013: B4. Print. (quoted).

Farmers Fight Big Ag Firms Over Patents (audio)

Noon Edition (Indiana Public Radio), Feb. 22, 2013.

Biofuels Startup Gevo Must Win Patent War With BP, DuPont First

Forbes, August 18, 2012 (quoted).

Why Do Patent Holders Cooperate? (essay)

The Legal Workshop (Online Journal), July 1, 2012.

Producers Should Trump Aggregators

Wall Street Journal, July 6, 2011 (op-ed letter).

PRESENTATIONS

Patent Pool Outsiders (presenter and moderator)

The Big Ten Junior Law Faculty Conference

Indiana University Maurer School of Law, August, 2017.

Patent Pool Outsiders

PatCon 7: The Patent Conference

Indiana University Maurer School of Law, August, 2016.

Data Law and Policy in the United States

An invited talk presented at “Rechte an Daten in der Industrie 4.0,” a conference hosted by the University of Siegen and held on February 9, 2017 in Dusseldorf, Germany.

Measuring the Costs and Benefits of Patent Pools (presenter and moderator)

The Big Ten Junior Law Faculty Conference

Indiana University Maurer School of Law, August, 2016.

Measuring the Costs and Benefits of Patent Pools (with Prof. Robert P. Merges of Berkeley Law)

16th Annual Intellectual Property Scholars Conference

Stanford Law School, August, 2016.

Aggregating Health Data: A Policy Challenge (presenter and moderator)

The Big Ten Junior Law Faculty Conference

Indiana University Maurer School of Law, August, 2015.

Aggregating Health Data: A Policy Challenge

15th Annual Intellectual Property Scholars Conference

Berkeley Law, August, 2015.

Presentation on Big Data Pools in Healthcare

Creativity Without Law (Conference)

Case Western Reserve University School of Law, November, 2014.

Big Data is Not a Monolith (Co-organizer and Moderator)

Workshop for MIT Press Book on Big Data

IU Maurer School of Law, October 10, 2014.

Data Pools

The Second Thematic Conference on Knowledge Commons:

Governing Pooled Knowledge Resources.

NYU School of Law, September 5-6, 2014.

Data Pools (presenter and moderator)

The Big Ten Junior Law Faculty Conference
Indiana University Maurer School of Law, August, 2014.

Data Pools

14th Annual Intellectual Property Scholars Conference
Berkeley Law, August, 2014.

Implementing “Big Data” Issues (panelist)

Conference on Big Data in the Life Sciences
Government Center, Indianapolis, IN, May, 2014.

Disclosing Big Data

Vanderbilt IP Scholars Roundtable
Vanderbilt Law School, Nashville, TN, April, 2014.

Policymaking for Big Data Pools

The Vincent and Elinor Ostrom Workshop
Indiana University, Bloomington, April, 2014.

Disclosing Big Data

Notre Dame Law School, March, 2014.

Disclosing Big Data

Michigan Intellectual Property Workshop
University of Michigan Law School, February, 2014.

Implications of Copyright Law on Big Data

The Big Ten Junior Law Faculty Conference,
Indiana University Maurer School of Law, August, 2013.

Implications of Copyright Law on Big Data

13th Annual Intellectual Property Scholars Conference,
Cardozo School of Law, August, 2013.

A New Game is Underway: The America Invents Act (panelist)

AUTM Central Region Meeting
Hyatt Regency Indianapolis, July 17, 2013.

The Governance of Patent Pools

PatCon 3: The Annual Patent Conferences
Chicago-Kent College of Law, April 12-13, 2013.

Patent Republics Revisited

Indiana University McKinney School of Law, January 22, 2013.

Academic Perspectives on Patent Litigation (moderator)

A Conversation with the Federal Circuit (Conference),
Indiana University Maurer School of Law, September 24, 2012.

Patent Republics

12th Annual Intellectual Property Scholars Conference,
Stanford Law School, August 8-10, 2012.

Patent Licensing Collectives

Microsoft Corporation (Redmond, Washington), November 16, 2011.

ACADEMIC APPOINTMENTS

INDIANA UNIVERSITY MAURER SCHOOL OF LAW, Bloomington, IN Jun. 2012 – Present

Associate Professor of Law

Teaching Contracts and topics in Intellectual Property; Faculty advisor to *IP Theory* (student journal).

UC BERKELEY SCHOOL OF LAW, Berkeley, CA Sept. 2011 – Jun. 2012

Microsoft Research Fellow

Conducted research on the internal governance of patent licensing collectives.

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI Sept. 2010 – Sept. 2011

Microsoft Fellow in Law, Economics, and Technology

Researched and published law review article investigating episodes of collective patent licensing. Began work on new article with faculty collaborator. Lectured to law school clinic on patent law.

PROFESSIONAL EXPERIENCE

CREATIVE COMMONS CORP., San Francisco, CA Feb. 2010 – 2011

Outside Patent Counsel (Pro Bono)

Provided legal advice that influenced an open patent license used by “The GreenXchange,” a patent sharing initiative formed by Nike related to environmentally-friendly technologies.

ROPES & GRAY, LLP, New York, NY Sept. 2007 – Feb. 2010

Associate (Intellectual Property Practice Group)

Provided legal assistance in multi-year biotechnology patent dispute. Drafted motion briefs filed in federal court. Deposed key witnesses. Advised client on novel hybrid patent-trademark issue.

KELLEY DRYE & WARREN LLP, New York, NY May 2006 – Aug. 2006

Summer Associate

Drafted motion in limine to exclude expert testimony. Drafted and filed trademark interferences and advice memos concerning client copyright question.

UNITED STATES COURTHOUSE, Philadelphia, PA Jun. 2005 – Aug. 2005

Clerk to Magistrate Judge Charles B. Smith

Wrote draft judicial opinions in habeas corpus and Social Security cases and for summary judgment motion. Regularly attended court proceedings.

SUN MICROSYSTEMS, INC., Burlington, MA Jul. 2001 – Feb. 2004

Computer Engineer (Microchip Designer)

Collaborated with senior engineers for over two years to design a new microchip product. Organized and chaired educational talks given by career engineers for Tufts University students.

TUFTS UNIVERSITY SCHOOL OF ENGINEERING, Medford, MA May 1999 – May 2001

Research Assistant to Dr. Karen Panetta, Professor of Engineering

Conducted research in behavioral circuit modeling. Credited in paper published for the IEEE.

WORKS IN PROGRESS

Data and Intellectual Property in Vanessa Mak et al. (eds.) *Research Handbook on Data Science and Law* (Edward Elgar, forthcoming 2018): This project is an invited book chapter contribution.

Book Project on The Promise and Challenges of Data Exchanges: This project examines the growing importance of data exchanges in the age of Big Data and machine learning, and the challenges – economic, cultural, legal, and technological – that stand in the way in different industry settings. Case studies will span a wide range of settings, including data gathered by autonomous vehicles, consumer drones, utilities, personal health devices, and healthcare providers. The book will aim to offer guidance to the public and lawmakers who wish to understand, debate, and craft policies designed to facilitate socially beneficial exchanges of data.

Patents in Wartime: This is a collaborative historical research project examining the U.S. government's loosening of patent rights during wartime.

TEACHING

Core Teaching Interests:

Contract Law
Patent Law
Trademark Law
Copyright Law

Other Teaching Interests:

IP Transactions
Media Law
IP Seminar

COURSES

Contracts (Fall, 2017)
Intellectual Property Survey (Spring, 2017).
Intellectual Property Seminar (Spring, 2017)
Contracts (Fall, 2016)
Intellectual Property Transactions (Spring, 2016).
Contracts (Fall, 2015).
Intellectual Property Seminar (Fall, 2015).
Intellectual Property Transactions (Spring, 2015).
Intellectual Property Survey (Spring, 2015).
Intellectual Property Survey (Spring, 2014).
Intellectual Property Colloquium (Fall, 2013).
Contracts (Fall, 2013).
Intellectual Property Survey (Spring, 2013).
Contracts (Fall, 2012).

PROFESSIONAL AFFILIATIONS

Admitted to the New York State Bar, 2008.
New York State Bar Association.

ADDITIONAL INFORMATION

Avid amateur photographer with interest in fine art photography.
Graduate of Hoff-Barthelson Music School (Scarsdale, NY).
Faculty advisor to IP Theory (iptheory.indiana.edu).