

DAVID L. SCHWARTZ

Northwestern University Pritzker School of Law
375 E. Chicago Ave., LM 284
Chicago, Illinois 60611
(312) 503-2646
david.schwartz@law.northwestern.edu

ACADEMIC APPOINTMENTS

Northwestern University Pritzker School of Law, Chicago, Illinois

Professor of Law, 2015 to present

Associate Dean of Research and Intellectual Life, 2019 to present

Frederic P. Vose Professor of Law, 2020 to present

Stanford Clinton Sr. and Zylpha Kilbride Clinton Research Professor of Law, 2017 to 2019

IIT Chicago-Kent College of Law, Chicago, Illinois

Professor of Law, 2014 - 2015

Co-Director, Center for Empirical Studies of Intellectual Property, 2012 - 2015

Norman & Edna Freehling Scholar, 2014 - 2015

Associate Professor of Law (with tenure), 2012 - 2014

Assistant Professor of Law, 2009 - 2012

2013 Finalist for the Student Bar Association "Professor of the Year" Award

2012 Excellence in Teaching Award

Northwestern University Law School, Chicago, Illinois

Visiting Professor of Law, Spring 2014

Notre Dame Law School, South Bend, Indiana

Visiting Professor of Law, Fall 2011

The John Marshall Law School, Chicago, Illinois

Assistant Professor of Law, 2006 - 2009

University of Illinois College of Law, Urbana-Champaign, Illinois

Adjunct Professor of Law, Spring 2005; Spring 2006

Courses Taught: Patent Law; Design Law; Patent Litigation; Intellectual Property Survey; Innovation Lab; Intellectual Property Litigation; IP Strategies; Advanced Topics in Patent Law; Advanced Patent Law; Civil Procedure

PUBLICATIONS

Books

RESEARCH HANDBOOK ON THE LAW & ECONOMICS OF INTELLECTUAL PROPERTY LAW: VOLUME II (ANALYTICAL METHODS) (co-editor, with Peter S. Menell, Edgar Elgar Publishing) (2019).

THE LAW OF DESIGN: DESIGN PATENT, TRADEMARK, AND COPYRIGHT (with Edward Lee & Mark P. McKenna, West Publishing) (2017).

DAVID L. SCHWARTZ

Academic Journal Publications

How to Build a More Open Justice System, 369 SCIENCE 134 (2020) (with Adam R. Pah, Sarath Sanga, Zachary D. Clopton, Peter DiCola, Rachel Davis Mersey, Charlotte S. Alexander, Kristian J. Hammond, & Luis A. Nunes Amaral).

Patently Risky: Framing, Innovation, and Entrepreneurial Preference, HARV. J. L. & TECH. (forthcoming 2020) (with Elizabeth Hoffman, Matthew L. Spitzer, & Eric L. Talley).

An Empirical Study of Design Patent Litigation, 72 ALA. L. REV. 417 (2020) (with Xaviere Giroud).

The Hidden Value of Abandoned Applications to the Patent System, 61 B.C. L. REV. 2809 (2020) (with Christopher A. Cotropia).

Understanding Patent “Privateering”: A Quantitative Assessment, 16 J. EMPIRICAL L. STUDIES 343 (2019) (with Anne Layne-Farrar & Jay P. Kesan).

Heterogeneity Among Patent Plaintiffs: An Empirical Analysis of Patent Case Progression, Settlement, and Adjudication, 15 J. EMPIRICAL L. STUDIES 80 (2018) (with Christopher A. Cotropia & Jay P. Kesan).

How Often Do Non-Practicing Entities Win Patent Lawsuits, 32 BERKELEY TECH. L.J. 235 (2017) (with John R. Allison & Mark A. Lemley).

Our Divided Patent System, 82 U. CHI. L. REV. 1073 (2015) (with John R. Allison & Mark A. Lemley).

Unpacking Patent Assertion Entities, 99 MINN. L. REV. 649 (2014) (with Christopher A. Cotropia & Jay P. Kesan).

Understanding the Realities of Modern Patent Litigation, 92 TEX. L. REV. 1769 (2014) (with John R. Allison & Mark A. Lemley) (for symposium on “Steps Toward Evidence-Based IP”) (cited by the U.S. Supreme Court in *SCA Hygiene Products Aktiebolag v. First Quality Baby Products*, 580 U.S. ____ (2017)).

Retroactivity at the Federal Circuit, 89 IND. L.J. 1547 (2014).

Analyzing the Role of Non-Practicing Entities in the Patent System, 99 CORNELL L. REV. 425 (2014) (with Jay P. Kesan).

Standards of Proof in Civil Litigation: An Experiment from Patent Law, 26 HARV. J. L. & TECH. 429 (2013) (with Christopher B. Seaman).

The End of an Epithet: An Exploration of the Use of Legal Scholarship in Intellectual Property Decisions, 50 HOUS. L. REV. 523 (2012) (with Lee Petherbridge) (for symposium) (invited).

The Rise of Contingent Fee Representation in Patent Litigation, 64 ALA. L. REV. 335 (2012).

DAVID L. SCHWARTZ

An Empirical Assessment of the Supreme Court's Use of Legal Scholarship, 106 NW. U. L. REV. 995 (2012) (with Lee Petherbridge).

Legal Scholarship and the United States Court of Appeals for the Federal Circuit: An Empirical Study of a National Court, 27 BERKELEY TECH. L.J. 1561 (2012) (with Lee Petherbridge).

Explaining the Demise of the Doctrine of Equivalents, 25 BERKELEY TECH. L.J. 1157 (2011).

The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study, 96 CORNELL L. REV. 1345 (2011) (with Lee Petherbridge).

Pre-Markman Reversal Rates, 43 LOY. L.A. L. REV. 1073 (2010) (for symposium on "The Federal Circuit as an Institution").

Courting Specialization: An Empirical Study of Claim Construction Comparing Patent Litigation Before Federal District Courts and the International Trade Commission, 50 WM. & MARY L. REV. 1699 (2009).

Practice Makes Perfect? An Empirical Study of Claim Construction Reversal Rates in Patent Cases, 107 MICH. L. REV. 223 (2008).

Other Publications

USPTO Patent Number and Case Code File Dataset Documentation (with Richard Miller & Ted M. Sichelman) (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3507607).

Empirical Studies of the International Trade Commission, HANDBOOK ON THE LAW & ECONOMICS OF INTELLECTUAL PROPERTY, VOL. II at 175 (Peter S. Menell & David L. Schwartz eds., 2019) (with Colleen V. Chien).

Data Sources in Patents, Copyrights, Trademarks, and Other Intellectual Property, 2 RESEARCH HANDBOOK ON THE LAW & ECONOMICS OF INTELLECTUAL PROPERTY, VOL. II at 2 (Peter S. Menell & David L. Schwartz eds., 2019) (with Ted Sichelman).

Comments to the U.S. Patent Office on Enhancing Patent Quality, May 6, 2015, http://www.uspto.gov/sites/default/files/documents/2015quality_f_schwartz_06may2015.pdf (lead author of comments, joined by 25 academics).

Caution is Necessary in the Patent 'Troll' Debate, TheHill.com, Mar. 20, 2015, <http://thehill.com/blogs/congress-blog/judicial/236343-caution-is-necessary-in-patent-troll-debate> (with Christopher A. Cotropia & Jay P. Kesan).

The Value of Open Data for Patent Policy, PATENTLY-O BLOG, Feb. 20, 2014, <http://patentlyo.com/patent/2014/02/value-patent-policy.html> (with Christopher A. Cotropia & Jay P. Kesan).

DAVID L. SCHWARTZ

On Mass Patent Aggregators: A Response to Mark A. Lemley & A. Douglas Melamed's Missing the Forest for the Trolls, 133 COLUM. L. REV. SIDEBAR 51 (2014) (invited).

The Complex and Debated Role of NPEs in the Patent System, 56 INTELLECTUAL ASSET MAGAZINE 21 (2014) (with Jay P. Kesan).

PAEs under the Microscope: An Empirical Investigation of Patent Holders as Litigants, PATENTLY-O BLOG, Nov. 12, 2013, <http://www.patentlyo.com/patent/2013/11/guest-post-paes-under-the-microscope-an-empirical-investigation-of-patent-holders-as-litigants.html> (with Christopher A. Cotropia & Jay P. Kesan).

Concurring Opinions Blog, www.concurringopinions.com, Guest Contributor (May 2013).

Analyzing the Role of NPEs in the Patent System, 56 INTELLECTUAL ASSET MAGAZINE 45 (2012) (with Jay P. Kesan).

Analyzing the Role of Non-Practicing Entities in the Patent System, PATENTLY-O BLOG, Aug. 21, 2012, <http://www.patentlyo.com/patent/2012/08/analyzing-the-role-of-npes-in-the-patent-system.html> (with Jay P. Kesan).

Contingent Fee Patent Litigation, IP WATCHDOG BLOG, Mar. 25, 2012, <http://www.ipwatchdog.com/2012/03/25/patent-contingent-fee-litigation/id=23543/>.

Paving the Path to Predicting Legal Outcomes: A Response to Professor Chien's Predicting Patent Litigation, 90 TEX. L. REV. SEE ALSO 97 (2012) (with Jay P. Kesan & Ted Sichelman) (invited).

Book Review: David Hricik, PATENT ETHICS: LITIGATION, 1 THE IP LAW BOOK REVIEW 93 (2011) (invited).

PATENT CLAIM CONSTRUCTION IN THE FEDERAL CIRCUIT (Contrib. Ed. 2010, 2011, 2012, 2013, 2014).

Challenging IP's Fundamental Assumptions, CHI. DAILY L. BULL., Apr. 26, 2010, at 6 (with Christopher Buccafusco).

Claim Construction Reversal Rates III: Additional Measures of Experience and Some Possible Explanations, PATENTLY-O BLOG, Mar. 2, 2008, <http://www.patentlyo.com/patent/2008/03/claim-construct.html>.

Claim Construction Reversal Rates II: District Court Judge Experience, PATENTLY-O BLOG, Feb. 28, 2008, <http://www.patentlyo.com/patent/2008/02/claim-constru-1.html>.

Claim Construction Reversal Rates I: Overall Reversal Rates, PATENTLY-O BLOG, Feb. 27, 2008, <http://www.patentlyo.com/patent/2008/02/claim-construct.html>.

Patent Law Changes Not Yet Obvious, CHI. DAILY L. BULL., Jun. 5, 2007, at 6.

Protecting Improvements to Internal Manufacturing Processes, INTELL. PROP. & TECH. L. J., Sept. 2005, at 8.

DAVID L. SCHWARTZ

Open Source Software: What You Should Know About It and the Risks It Presents, COMPUTER & INTERNET, Feb. 8, 2005, at 10.

Advice of Counsel Defense to Willful Infringement and Waiver of Work Product and Attorney-Client Privileges, INTELL. PROP. LITIG., Winter 1998, at 14.

On-Sale Bar Does Not Require Actual Reduction to Practice, INTELL. PROP. LITIG., Fall 1998, at 11.

Importation of Copyrighted Articles, INTELL. PROP. LITIG., Spring 1998, at 6.

Effects of Markman on Patent Cases Tried to Juries, INT'L LEGAL STRATEGY, Nov. 15, 1996, at 30 (with Stanley A. Schlitter).

PRESENTATIONS

Scholarly Presentations

The Secret World of Design Patents

- IP Scholars Conference, Stanford Law School, Jul. 2020

The Hidden Value of Abandoned Applications to the Patent System

- NSF Sponsored 2020 Future of IP Conference, Feb. 2020
- Work-in-Progress IP Conference, Santa Clara University School of Law, Feb. 2020
- Annual Conference on Empirical Legal Studies, Claremont McKenna, Nov. 2019
- Workshop on Empirical Methods & Patents, Georgetown Law Center, Oct. 2019
- The Munich Summer Institute, Bavarian Academy of Sciences & Humanities, Jun. 2019
- The Patent Conference, University of Kansas School of Law, Apr. 2019
- Workshop, ETH Zurich, Mar. 2019
- University of San Diego IP Speaker Series, Feb. 2019

Gender Discrimination in Online Markets

- American Law & Economics Association Annual Conference, NYU Law School, May 2019
- Workshop, Northwestern University Law School, May 2019
- Annual Conference on Empirical Legal Studies, University of Michigan Law School, Nov. 2018

Understanding Patent “Privateering”: A Quantitative Assessment

- IP Scholars Conference, UC Berkeley School of Law, Aug. 2018
- The Munich Summer Institute, Bavarian Academy of Sciences & Humanities, June 2018
- The Patent Conference, Northwestern University Law School, Apr. 2017

Patently Risky: Framing, Innovation, and Entrepreneurial Preferences

- IP Scholars Conference, Cardozo School of Law, Aug. 2017
- Workshop, Northwestern University Law School, May 2017

DAVID L. SCHWARTZ

Progression and Workload in Civil Litigation: An Empirical Analysis of Patent Disputes

- Chicago IP Colloquium, Loyola Chicago Law School, Feb. 2017
- Workshop, ETH Zurich, Oct. 2016

Heterogeneity Among Patent Plaintiffs: An Empirical Analysis of Settlement, Case Progression, and Adjudication

- Groupe de Recherche en Economie Theorique et Appliquee (GREThA) and European Policy for Intellectual Property (EPIP) Conference on “How do Patent Intermediaries Affect Innovation and the Markets for Technologies?,” University of Bordeaux, June 2018
- Workshop, ETH Zurich, Oct. 2016
- American Law & Economics Association Annual Conference, Harvard Law School, May 2016
- Hoover IP Conference on “Building an Innovation Economy: the Mechanics of the Patent System,” Stanford Law School, May 2016
- The Patent Conference, Boston College Law School, Apr. 2016
- Annual Conference on Empirical Legal Studies, Washington University in St. Louis Law School, Oct. 2015
- The Patent Conference, University of Kansas School of Law, Apr. 2015
- Work-in-Progress IP Conference, George Washington Law School/U.S. Patent Office, Feb. 2015
- IP Scholars Conference, UC Berkeley School of Law, Aug. 2014

Studying Uncertainty in Intellectual Property Valuation

- IP Scholars Conference, DePaul College of Law, Aug. 2015
- The Patent Conference, University of San Diego Law School, Apr. 2014
- Empirical IP Roundtable, Chicago-Kent College of Law/U.S. Patent Office, Oct. 2013

Unpacking Patent Assertion Entities

- American Law & Economics Association Annual Conference, University of Chicago, May 2014
- Workshop at Northwestern University Law School, Mar. 2014
- Workshop at USC Gould School of Law, Feb. 2014
- University of Pennsylvania Law Conference on Patent Reform: Theoretical Propositions and Factual Foundations, Dec. 2013
- Workshop at IIT Chicago-Kent College of Law, Nov. 2013
- The 2nd Annual Empirical Patent Conference, University of Illinois Law School, Sept. 2013

The Rise of Contingent Fee Representation in Patent Litigation

- The Patent Conference, Boston College Law School, May 2012
- Northwestern University Law School Law & Economics Colloquium, Feb. 2012
- Drake University IP Law Center 5th Anniversary Gala, Feb. 2012
- Marquette University Law School IP Colloquium, Feb. 2012
- Workshop at IIT Chicago-Kent College of Law, Jan. 2012
- Workshop at Notre Dame Law School, Nov. 2011
- Hot Topics in Patent Law & Policy, UMKC School of Law, Oct. 2011
- IP Scholars Conference, DePaul College of Law, Aug. 2011

DAVID L. SCHWARTZ

- The Patent Conference, University of Kansas School of Law, Apr. 2011

Standards of Proof in Civil Litigation: An Experiment from Patent Law

- The Patent Conference, IIT Chicago-Kent College of Law, April 2013
- Annual Conference on Empirical Legal Studies, Stanford Law School, Nov. 2012
- Workshop at the IIT Chicago-Kent College of Law, Oct. 2012
- IP Scholars Conference, Stanford Law School, Aug. 2012
- Work-in-Progress IP Conference, University of Houston Law School, Feb. 2012

An Empirical Assessment of the Supreme Court's Use of Legal Scholarship

- Midwest Political Science Association Annual Meeting, Chicago, Illinois, Apr. 2012

Legal Scholarship and the United States Court of Appeals for the Federal Circuit: An Empirical Study of a National Court

- Empirical Studies of IP, University of San Diego School of Law, Dec. 2010
- Empirical Studies of Patent Litigation Roundtable, Northwestern University School of Law / The Searle Center, Nov. 2010

The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study

- Annual Conference on Empirical Legal Studies, Yale Law School, Nov. 2010
- Midwest Law & Society Retreat, Madison, Wisconsin, Oct. 2010
- Workshop at the IIT Chicago-Kent College of Law, Oct. 2010
- Workshop at the University of Cincinnati College of Law, Sept. 2010

Retroactivity in Patent Law

- Work-in-Progress IP Conference, Boston University School of Law, Feb. 2011
- IP Scholars Conference, UC Berkeley School of Law, Aug. 2010
- Law & Society Annual Meeting, Chicago, Illinois, May 2010

Explaining the Demise of the Doctrine of Equivalents (f/k/a Doctrinal Displacement at the Federal Circuit)

- IP Scholars Roundtable, Drake University School of Law, Mar. 2010
- Workshop at the IIT Chicago-Kent College of Law, Feb. 2010
- Workshop at the University of Illinois College of Law, Jan. 2010
- Empirical Studies of Patent Litigation Roundtable, Northwestern University School of Law / The Searle Center, Nov. 2009
- Midwestern Law and Economics Ass'n Annual Meeting, Notre Dame Law School, Oct. 2009
- Patent Scholarship Colloquium, Santa Clara University School of Law, Sept. 2009
- IP Scholars Conference, Cardozo School of Law, Aug. 2009

Pre-Markman Reversal Rates

- Symposium on the Federal Circuit as an Institution, Loyola L.A. Law School, Oct. 2009

The Tradeoff between Judicial Objectivity and Efficiency

- Law & Society Annual Meeting, Denver, Colorado, May 2009

DAVID L. SCHWARTZ

Courting Expertise: An Empirical Study of Claim Construction Comparing Patent Litigation Before Federal District Courts and the International Trade Commission

- Edward D. Manzo Scholar in Advanced Concepts in Patent Law Seminar, DePaul University College of Law, Feb. 2009

Biotechnology and Patent Claim Construction

- Biolaw Conference, University of Kansas School of Law, Nov. 2008

An Empirical Study of Patent Claim Construction Reversal Rates Differences Across Technologies

- IP Scholars Roundtable, Drake University School of Law, Feb. 2009
- Work-in-Progress IP Conference, Tulane University Law School, Oct. 2008

Practice Makes Perfect? An Empirical Study of Claim Construction Reversal Rates in Patent Cases

- Annual Conference on Empirical Legal Studies, Cornell University Law School, Sept. 2008
- Law & Society Annual Meeting, Montreal, Canada, May 2008
- Chicago Junior Faculty Workshop, Dec. 2007
- Work-In-Progress IP Conference, American University College of Law, Sept. 2007
- IP Scholars Conference, DePaul University College of Law, Aug. 2007

Rethinking Reasonable Royalty Patent Damages.

- IP Scholars Roundtable, Drake University School of Law, Feb. 2008

Selected Other Presentations

Faculty, *Patent Fundamentals Bootcamp 2019: An Introduction to Patent Drafting, Prosecution & Litigation*, Practising Law Institute, Chicago, IL, May 2019.

Discussant, *Empirical Patent Law Conference*, Duke Law School, Mar. 2019.

Speaker, *Patent Trolls or Non-Practicing Entities*, USC Gould School of Law Conference on Reforming Patent Reform, Los Angeles, CA, Feb. 2019.

Panelist, *The Past, Present, and Future of the PTAB*, Intellectual Property Law Association of Chicago, Nov. 2018.

Panelist, *Patent Litigation*, The John Marshall Law School Intellectual Property Law Center Annual Conference, Nov. 2018.

Panelist, *Emerging Trends in Patent Litigation*, Federal Trade Commission Hearing on Competition and Consumer Protection in the 21st Century, Washington, DC, Oct. 2018.

Discussant, Second Annual Junior Scholars Forum for Law-STEM, Northwestern Pritzker School of Law, Chicago, IL, Sept. 2018.

Speaker, *Ethics in the Patent Office*, Advanced Patent Prosecution Workshop 2018, Practising Law Institute, Chicago, IL, Sept. 2018.

DAVID L. SCHWARTZ

Discussant, Sixth Annual Roundtable on Standard Setting Organizations and Patents, Chicago, IL, May 2018.

Faculty, *Fundamentals of Patent Prosecution 2018: A Boot Camp for Claim Drafting & Amendment Writing*, Practising Law Institute, Chicago, IL, May 2018.

Keynote Speaker, *Empirical Studies of PAEs*, San Diego IP Law Association Meeting, San Diego, CA, Mar. 2018.

Discussant, Junior Scholars Forum for Law-STEM, University of Pennsylvania Law School, Philadelphia, PA, Oct. 2017.

Speaker, *Ethics in the Patent Office*, Advanced Patent Prosecution Workshop 2017, Practising Law Institute, Chicago, IL, Sept. 2017.

Faculty, *Fundamentals of Patent Prosecution 2017: A Boot Camp for Claim Drafting & Amendment Writing*, Practising Law Institute, Chicago, IL, May 2017.

Panelist, *Trial by Jury of Patent Cases*, NYU Law School, New York, NY, Sept. 2016.

Speaker, *Ethics in the Patent Office*, Advanced Patent Prosecution Workshop 2016, Practising Law Institute, Chicago, IL, Sept. 2016.

Distinguished Professorial Lecture, *Predicting Settlement and Adjudication: Empirical Evidence from Patent Litigation*, John Marshall Law School, Chicago, IL, Aug. 2016.

Faculty, *Fundamentals of Patent Prosecution 2016: A Boot Camp for Claim Drafting & Amendment Writing*, Practising Law Institute, Chicago, IL, May 2016.

Panelist, *The Role and Effectiveness of Big Data in Patent Disputes*, 2016 Intellectual Property Institute, USC Gould School of Law, Feb. 2016.

Speaker, *Ethics in the Patent Office*, Advanced Patent Prosecution Workshop 2015, Practising Law Institute, Chicago, IL, Sept. 2015.

Discussant, American Law & Economics Annual Conference, Columbia Law School, May 2015.

Faculty, *Fundamentals of Patent Prosecution 2015: A Boot Camp for Claim Drafting & Amendment Writing*, Practising Law Institute, Chicago, IL, May 2015.

Discussant, Conference on the PTO and the Courts, Stanford Law School, April 2015.

Speaker & Panelist, *Unpacking the Statistical Realities of Patent Litigation*, Eastern District of Texas 2014 Bench Bar Conference, Plano, TX, Oct. 2014.

DAVID L. SCHWARTZ

Panelist, *Discussion about Octane Fitness v. Icon Health & Fitness*, IIT Chicago-Kent Supreme Court Intellectual Property Review, Sept. 2014.

Speaker, *Ethics in the Patent Office*, Advanced Patent Prosecution Workshop 2014, Practising Law Institute, Chicago, IL, Sept. 2014.

Speaker, *Patent Enforcement*, IP Investments & Markets, Center for Applied Innovation, Chicago, IL, June 2014.

Speaker, *Understanding the Realities of Modern Patent Litigation*, American Intellectual Property Law Association Electronics & Computer Patent Law Annual Summit, Chicago, IL, June 2014.

Faculty, *Fundamentals of Patent Prosecution 2014: A Boot Camp for Claim Drafting & Amendment Writing*, Practising Law Institute, Chicago, IL, May 2014.

Panelist, *Pending Patent Reform Legislation*, Seventh Circuit Bar Association Annual Meeting, Chicago, IL, May 2014.

Speaker, *Covered Business Method Review: A Peek at the Empirical Data*, Searle Center Research Roundtable on Software and Business Method Patents, Chicago, IL, April 2014.

Speaker, *A Debate about Patent Trolls*, The Patent Conference, University of San Diego Law School, April 2014.

Panelist, *Are Patent Assertion Entities Responsible for the Rise in Patent Litigation?*, Federal Circuit Bar Association, Webcast, Feb. 2014.

Participant, *Roundtable on Alternative Litigation Finance*, Stanford Law School, Jan. 2014.

Speaker, *Debate on Patent Reform in the United States*, Intellectual Property Business Congress, Boston, MA, June 2013.

Faculty, *Fundamentals of Patent Prosecution 2013: A Boot Camp for Claim Drafting & Amendment Writing*, Practising Law Institute, Chicago, IL, May 2013.

Panelist, *The Costs of Patent Assertion Entities*, Federal Trade Commission/Department of Justice Workshop on Patent Assertion Entities, Washington, DC, Dec. 2012.

Speaker, *Empirical Studies of Patent Litigation: Observational Data, Experiments, and Beyond*, Annual Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), Jul. 2012.

Faculty, *Fundamentals of Patent Prosecution 2012: A Boot Camp for Claim Drafting & Amendment Writing*, Practising Law Institute, Chicago, IL, May 2012.

DAVID L. SCHWARTZ

Speaker, *The Rise of Contingent Fee Representation in Patent Litigation*, United States Patent & Trademark Office, May. 2012.

Panelist, JUSTIFYING INTELLECTUAL PROPERTY Book Roundtable, Notre Dame Law School, Apr. 2012.

Speaker, *The Rise of Contingent Fee Representation in Patent Litigation*, Wisconsin Intellectual Property Law Association, Apr. 2012.

Panelist, *Empirical Studies of the Federal Court's Use of Legal Scholarship*, AALS Annual Meeting, Committee on Research, Washington, DC, Jan. 2012.

Discussant, Annual Conference on Empirical Legal Studies, Northwestern University School of Law, Nov. 2011.

Panelist, *Preview of 2011 Supreme Court Term*, IIT Chicago-Kent Supreme Court Intellectual Property Review, Sept. 2011.

Panelist, *Roundtable – Empirical Studies of Intellectual Property*, Law & Society Annual Meeting, San Francisco, California, June 2011.

Speaker, *Patent Law Developments*, 25th Annual Institute on Intellectual Property Law, University of Houston Law Center, Oct. 2009.

Panelist, *Patent Reform Act of 2009: A Fresh Look?*, American Bar Association Annual Meeting, Chicago, Illinois, July 2009.

Panelist, *Pattern Jury Instructions for Patent Cases*, Intellectual Property Law Association of Chicago, May 2008.

Speaker, *Patent Law Developments*, The John Marshall Law School Intellectual Property Law Center Annual Conference, Feb. 2008.

Speaker, *Protecting Incremental Improvements in Technology*, Instituto Dannemann Siemsen de Estudos de Propriedade Intelectual, São Paulo, Brazil, Oct. 2007.

Panelist, *Obviousness in Patent Litigation: KSR v. Teleflex*, Intellectual Law Association of Chicago, May 2007 (transcribed and published as James F. Holderman et al., *A Panel Discussion on Obviousness in Patent Litigation: KSR Int'l v. Teleflex*, 6 J. MARSHALL REV. INTELL. PROP. L. 595 (2007)).

Speaker, *The Interplay between Trade Secret Law and Patent Law*, Law Seminars International, Chicago, Illinois, May 2007.

Speaker, *Patent Law Developments*, The John Marshall Law School Intellectual Property Law Center Annual Conference, Feb. 2007.

DAVID L. SCHWARTZ

Panelist, *The Role of Scholarly Literature in the Courts*, Richard Linn Inn of Court, Chicago, Illinois, Feb. 2007.

Speaker, *The Interplay between Trade Secret Law and Patent Law*, Law Seminars International, Chicago, Illinois, Nov. 2005.

GRANTS

Co-PI, Northwestern Open Access to Court Records Initiative (NOACRI)

- \$5,000,000 NSF Convergence Accelerator Phase II grant, Sept. 2020
- \$1,000,000 NSF Convergence Accelerator Phase I grant, Sept. 2019
- Lead faculty member in the law school on a team of 16 Northwestern professors
- NOACRI plans to download PACER (Public Access to Court Electronic Records) dockets, link

the

- dockets to other public information, and build an open, searchable platform
- NOACRI is comprised of a Northwestern interdisciplinary team including faculty from the law, engineering, business, and journalism schools

PROFESSIONAL SERVICE

Journals and Conferences

Co-Editor, *Intellectual Property: Empirical Studies* (SSRN eJournal) (2010-present)

Co-Founder and Co-Director, The Patent Conference (annual scholarly conference relating to patent law) (2010-present)

Co-Founder, Annual Junior Faculty Forum on Law-STEM (2017-present)

Co-Director, Center for Empirical Studies of Intellectual Property Law at Chicago-Kent College of Law (2012-2015)

Referee, *American Law & Economics Review*

Referee, *Conference on Empirical Legal Studies (CELS)*

Referee, *Economics Letters*

Referee, *International Review of Law & Economics*

Referee, *Journal of Empirical Legal Studies*

Referee, *Journal of Intellectual Property Law*

Referee, *Journal of Law & Economics*

Referee, *Journal of Law, Economics & Policy*

Referee, *Journal of Legal Studies*

Referee, *Journal of Law, Economics, and Organization*

Referee, *Jurimetrics*

Referee, *Law & Social Inquiry*

Referee, *Management Science*

Referee, National Science Foundation grant proposal

Referee, *Review of Law & Economics*

Referee, *Stanford Law Review*

Referee, *Stanford Technology Law Review*

Referee, *Yale Law Journal*

DAVID L. SCHWARTZ

Conferences Organized

Workshop on Empirical Methods in Intellectual Property, April 2019 (25 IP academics over 2 days)
 Second Annual Junior Faculty Forum on Law-STEM, Sept. 2018 (25 academics over 2 days)
 Workshop on Empirical Methods in Intellectual Property, May 2018 (25 IP academics over 2 days)
 Workshop on Empirical Methods in Intellectual Property, May 2017 (25 IP academics over 2 days)
 The Patent Conference, Apr. 2017 (50 academics)
 Bridges II: The Law-STEM Alliance & Next Generation Innovation, Oct. 2016 (50 academics)
 Workshop on Empirical Methods in Intellectual Property, Apr. 2016 (25 IP academics over 2 days)
 Conference for Handbook on Law & Economics of Intellectual Property: Empirical Methods, Aug. 2015
 (25 IP academics over 2 days)
 Workshop on Empirical Methods in Intellectual Property, Sept. 2014 (25 IP academics over 2 days)
 Workshop on Empirical Methods in Intellectual Property, Oct. 2013 (25 IP academics over 2 days)
 The Patent Conference, Apr. 2013 (over 50 patent scholars and approximately 200 total attendees over 2
 days)

Professional Organizations

Academic and Practitioner Advisory Board, Patent Case Judicial Management Guide (2015-current)
 Program Chair, Richard Linn Inn of Court (2011-2013)
 Vice-Chair Pupilage Group, Richard Linn Inn of Court (2009-2010, 2017-2018)
 Charter Member, AIA Pro Bono Advisory Council (2013)
 Member, Chicago Patent Pro Bono Steering Committee (2012-2015)
 Intellectual Property Law Association of Chicago
 Board of Managers (2011-2013)
 Vice-Chair of Law School Outreach Committee (2010-2011, 2013-2015, 2017-current)
 Vice-Chair of Alternative Dispute Resolution Committee (2010-2011)
 Chair of Biotechnology Committee (2005-2006)
 Vice-Chair of Biotechnology Committee (2004-2005)

EDUCATION

University of Michigan Law School, Ann Arbor, Michigan, J.D., *cum laude*, May 1995
 Contributing Editor, *University of Michigan Law Review*

University of Illinois, Urbana-Champaign, Illinois, B.S. Chem. Eng., high distinction, May 1992
 Tau Beta Pi (Engineering Honorary Society)
 Senior Thesis: *Biodegradation of Trinitrotoluene*

LEGAL EXPERIENCE

Wallenstein, Wagner & Rockey, Chicago, Illinois, *Partner*, 2002 - 2006
Arthur Andersen, Chicago, Illinois, *Intellectual Property Counsel*, 2001 - 2002
Ryndak & Lyerla, Chicago, Illinois, *Partner; Associate*, 1998 - 2000
Jenner & Block, Chicago, Illinois, *Associate*, 1995 - 1998

DAVID L. SCHWARTZ

Cabrini-Green Legal Aid Clinic, Chicago, Illinois, *Public Interest Law Institute (PILI) Fellow*, Summer 1995

BAR ADMISSIONS

U.S. Patent and Trademark Office, Federal Circuit, Seventh Circuit, Northern District of Illinois, Illinois