

## Dennis D. Crouch

Associate Professor of Law  
University of Missouri Law School  
203 Hulston Hall  
Columbia, MO 65211

Email: [crouchdd@missouri.edu](mailto:crouchdd@missouri.edu)

Phone: 573.289.3631

Web: [www.patentlyo.com](http://www.patentlyo.com)

## Education

University of Chicago Law School Chicago, Illinois  
J.D., with Honors 2000-2003

- John M. Olin program in law & economics.
- Merck-Microsoft-Pfizer scholar.
- Kosmerl scholar.
- Research with Professor Douglas Lichtman, now at UCLA.

Princeton University Princeton, New Jersey  
B.S.E. in Mechanical Engineering, with Honors 1993-1997

- National science scholar.
- Special distinction for thesis developing autonomous learning systems.
- Certificate in engineering management systems.

## Representative Employment and Positions

University of Missouri Law School Columbia, Missouri  
Associate Professor of Law (Patent; Internet; Property Law) Summer 2007 - Present

Franklin Pierce Law Center Concord, New Hampshire  
Visiting Professor for IP Summer Institute (Patent Law) Summer 2007

Intellectual Property Hall of Fame Academy London, UK  
Nominated Academy Member 2007-Present

Peer-to-Patent: Community Peer Review New York, New York  
Advisory Board Member 2006 - Present

Boston University Law School Boston, Massachusetts  
Visiting Assistant Professor of Law (Advanced Patent Policy; Internet Law) 2006-2007

McDonnell Boehnen Hulbert & Berghoff LLP (law firm) Chicago, Illinois  
Of Counsel (also Associate and Law Clerk) 2001-2007

Kirkland & Ellis LLP (law firm) Chicago, Illinois  
Summer Associate in Intellectual Property Litigation Summer 2002

Heller Ehrman LLP (law firm) Chicago, Illinois  
Summer Associate in Litigation Summer 2001

United States Peace Corps Ghana, West Africa  
Peace Corps Volunteer (mathematics and science teacher in rural Ghana) 1998-2000

For a biographical sketch, see <http://law.missouri.edu/faculty/crouchd.html>.

## Representative Publications and Presentations

### *Web Log and Law Journal:*

- Dennis Crouch, Patently-O, at <http://patentlyo.com>. Patently-O includes over 2,600 of my own articles discussing every precedential patent related appeal since Apr. 2004. The site also presents extensive empirical analysis of the US patenting system. Several recent studies placed Patently-O in the top-ten of all blogs based on the number of law review citations; court citations; readership; and influence. In 2007, 2008, 2009, and 2010 the ABA chose Patently-O as one of the top-100 legal blogs (Blawgs) and also honored Patently-O in 2008 as the top legal blog focusing on a niche area of law. In a worldwide 2009 survey conducted by IPWatchDog, Patently-O was overwhelmingly selected as the best patent blog. Patently-O articles have been cited numerous times in congressional and administrative testimony. The site received over 3.7 million visits in the past year in addition to over 20,000 individual opt-in subscribers to the daily e-mail option. The contents of the site freely available online and are catalogued within LexisNexis and Westlaw.
- Occasional contributors to the site include, inter alia, professors at the University of Pennsylvania School of Law, Stanford Law School, Washington University School of Law, Boston University School of Law, Duke University School of Law, George Washington University School of Law, University of California Berkeley School of Law, University of Wisconsin Law School, San Diego University School of Law, Marquette School of Law, and University of Alabama School of Law. I am also the editor and publisher of the Patently-O Patent Law Journal which publishes concise time-sensitive academic essays on issues of patent law and policy.

### *Academic Law Review Articles:*

- A Trademark Justification for Design Patent Rights, 24 HARVARD J. L. TECH. \_\_\_\_ (2011) (forthcoming).
- Operating Efficiently Post-Bilski by Ordering Patent Doctrine Decision-Making, 25 BERKELEY TECH. L. J. \_\_\_\_ (2011) (forthcoming) (co-author with Robert Merges)
- Is Novelty Obsolete? Chronicling the Irrelevance of the Invention Date in U.S. Patent Law, 16 MICH. TELECOMM. TECH. L. REV. 53 (2010).
- An Empirical Study of the Role of the Written Description Requirement in Patent Prosecution, 104 NORTHWESTERN UNIVERSITY L. REV. COLLOQUY 382 (2010) selected for republication in 104 NORTHWESTERN UNIVERSITY L. REV.1665 (2010).
- Nil: the Value of Patent Rights in a Health Crisis, 39 SETON HALL L.R. 1125 (2010).
- The Patent Lottery: Exploiting Behavioral Economics for the Common Good, 16 GEORGE MASON L.R. 141 (2008)
- Work-in-Progress: Empirical Lessons from the File Histories of One Million Recently Issued Patents (law review article in progress).
- Work-in-Progress: Principles of Equity in Patent Cases: Expanding on eBay (law review article in progress).
- Social Welfare of Advertising to Children, 9 U. CHI. L. SCH. ROUNDTABLE 179 (2002) (law school note).

*Other Publications:*

- Broadening Federal Circuit Jurisprudence: Moving Beyond Federal Circuit Patent Cases, 2010 PATENTLY-O PATENT L.J. 19.
- Book Review: Reviewing Part III of Innovation for the 21st Century: Patents 61 ALA. L. REV. 587 (2009).
- Understanding the Role of the Board of Patent Appeals: Ex Parte Rejection Rates on Appeal, University of Missouri School of Law Legal Studies Research Paper No. 2009-16 at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1423922](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1423922).
- The Rising Size and Complexity of the Patent Document, University of Missouri School of Law Legal Studies Research Paper No. 2008-04 at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1095810](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1095810). Updated statistics available at <http://www.patentlyo.com/patent/2009/06/dropping-claim-counts.html>.
- Extraterritorial Enforcement: US Court Refuses To Enforce Foreign Patents, JOURNAL OF IP LAW & PRACTICE (March. 2006).
- z4 and its Implications, JOURNAL OF IP LAW & PRACTICE (Nov. 2006).
- Brief of the Intellectual Property Owners Association, as Amicus Curiae in support of neither party, Laboratory Corp. of Am. Holdings v. Metabolite Labs., Inc., No. 04-607 (U.S. Sup. Ct., filed Dec. 2005) (coauthor).
- Pushing The Boundaries, 176 PAT. WORLD 10 (2005) (coauthor).
- Patent Reform Act Calls for Closer Look, 4 PAT. LAW. 16 (2005) (coauthor).
- The Reach of Law, 172 PAT. WORLD 10 (2005).
- Legislative Update: Joint Research Agreements May Protect Patent Rights, SNIPPETS 3:1 (2005) (coauthor).
- Defining Your Terms, 168 PAT. WORLD 10 (2004).
- Environmentally Conscious Patent Histories, Environmentally Conscious Manufacturing III, SPIE Proceedings 5262, 165-73 (2003) (coauthor).

*Book:*

- James Hawes & Dennis Crouch, PATENT APPLICATION PRACTICE (Thomson-West 2d ed. Supps. 16-18, 2005-06) (supplement author).

*Recent Presentations:*

- The Role of Patent Applicant Incentives in Building a Better Patent System, Presentation to the Harvard Business School Science-Based Business Initiative (April 2011).
- Conference Organizer and Moderator, Annual Symposium of the Missouri Law Review, The Patent Jurisprudence of the Court of Appeals for the Federal Circuit under Chief Judge Paul Michel (February 2011).
- Operating Efficiently Post-Bilski by Ordering Patent Doctrine Decision-Making, Workshop on Intellectual Property Moderated by Professors John Duffy and Margo Bagley (November 2010) (University of Virginia School of Law).
- The Role of Blogs for Lawyers and Legal Academics, American Intellectual Property Law Association (AIPLA) Annual Meeting (October 2010).

- Invited commentary, Peer Review Prior Art Roundtable (October 2010) (Geneva, Switzerland).
- Invited commentary, Launching the United States Patent and Trademark Office (USPTO) Economics Research Agenda (September 2010) (Berkeley, California).
- Influence and Stature at the Federal Circuit, Intellectual Property Scholars Conference (August 2010) (Berkeley, California).
- Applicant Incentives and the Patent Office Backlog, AIPLA/FICPI Workshop on Patent Office Backlogs (June 2010) (Edinburgh, Scotland).
- Patent Reform in the Courts, Kansas City Metropolitan Bar Ass'n (April 2010) (Kansas City, MO) (invited speech).
- Patent Reform Inertia, Corporate IP Counsel Summit (Apr. 2010) (New York) (*Keynote address*).
- Fearing Reexaminations, IP Law Summit (Mar. 2010) (Miami, FL) (*Keynote address*).
- A Normative Justification for Design Patent Policy, Washington University School of Law Intellectual Property Speaker Series (March 2010) (St. Louis).
- The Role of Applicant Incentives in Patent Office Reform, Stanford Technology Law Review Symposium on PTO Reform (Feb. 2010) (Stanford)
- The Trademark Role of Design Patent Protection, 11<sup>th</sup> Annual Intellectual Property Symposium of the Texas Intellectual Property Law Journal (Feb. 2010) (Austin).
- Chronicling the Irrelevance of the Invention Date in U.S. Patent Law, Intellectual Property Scholars Conference (Oct. 2009) (Seton Hall University Law School, Newark, NJ).
- Chronicling the Irrelevance of the Invention Date in U.S. Patent Law, George Washington University Law School IP Series (Oct. 2009) (Washington DC).
- Chronicling the Irrelevance of the Invention Date in U.S. Patent Law, Santa Clara University Workshop on Intellectual Property Scholarship (Sept. 2009) (Santa Clara University, CA).
- Levels of Uncertainty in Patent Law, Federal Circuit Bar Association Symposium (Sept. 2009) (Santa Clara).
- Debating the Wisdom of an Additional Layer of Post-Grant Patent Review, IPO Annual Conference (Sept. 2009) (Chicago).
- Empirical Study of Patent Applicant's Non-Confrontational Use of First-Inventor Rights, Southeastern Association of Law Schools (SEALS) annual conference (Aug. 2009) (Palm Beach).
- Patent Information and its Role in the Global Patent System, Patent Information Users Group Annual Meeting (May 2009)(San Antonio) (*Keynote address*).
- Evidence Based Prosecution: Empirical Results from the Prosecution Files of One Million Recently Issued Patents, IP Law Summit (Mar. 2009) (Ponte Vedra, FL) (*Keynote address*).
- Federal Circuit Year-in-Review, BAMSL annual meeting (Mar. 2009) (St. Louis).
- Evidence Based Prosecution: Empirical Results from the Prosecution Files of One Million Recently Issued Patents, 10<sup>th</sup> Annual Intellectual Property Symposium of the Texas Intellectual Property Law Journal (Feb. 2009) (Austin).

- Ethics of Inequitable Conduct: The PTO's Role in Judging Inequitable Conduct, 10<sup>th</sup> Annual Symposium of the Santa Clara Computer and High Technology Law Journal (Jan. 2009) (Santa Clara).
- Rethinking the Protection of Ornamental Designs, Faculty of the University of Georgia Law School (Jan. 2009)(Athens, GA).
- The Crisis Value of Patent Rights, Seton Hall Law Review Symposium (Preparing for a Pharmaceutical Response to Pandemic Influenza) (Oct. 2008)(Newark).
- Rethinking the Protection of Ornamental Designs, IP Scholars Conference, Stanford University Law School (Aug. 2008)(Palo Alto).
- The Benefits and Problems of Online Anonymity, "Speak Your Mind" Hickman High School (Apr. 2008) (Columbia, MO).
- Protecting Inventors while Reforming Intellectual Property, Missouri Inventor of the Year Awards (March. 2008) (St. Louis) (keynote address).
- Legal, Reputational and Generational Issues of Blogs, Association of Corporate Patent Counsel (Jan. 2008) (Santa Barbara).
- The Three Branches of Patent Reform, Ocean Tomo Pre-Auction Conference (Oct. 2007) (Chicago).
- The Struggle of District Courts Deciding Patent Cases, Federal Circuit Roundtable at Boalt Hall Law School (Sept. 2007) (Berkeley).
- The Outer Limits of Patentable Subject Matter, Harvard Law School (Mar. 2007) (Cambridge) (*keynote address*).
- Enforcing Foreign Infringement in US Courts, Duke Law School (Feb. 2007) (Durham, NC).
- Transnational Patents, Santa Clara University Law School (Jan. 2007) (Santa Clara).
- The Court's Influence on Biotech Patents ACI Conference (Nov. 2006) (Boston) (Panel moderator).
- Software Patents, BU Law School (Nov. 2006) (Boston) (Panel moderator).
- Patent Lottery, Annual Works in Progress Intellectual Property Colloquium (Oct. 2006) (Pittsburgh).
- Blog Law (Apr. 2006) (San Francisco) (Conference co-host).
- Federal Circuit Year-in-Review, 2006 AIPLA Mid-Winter Institute (Feb. 2006) (La Quinta, CA).
- Vitiation and the Doctrine of Equivalents, presented to the Kansas City Metro Bar Association (Nov. 2005) (Kansas City).

## **Service Achievements**

### **1. University Service Activities**

- a. Law School Technology Committee (2007-Present), Chair (2010-Present).
- b. Law School Library Committee (2007-2010).
- c. Law School Tenure and Standards Committee (2010-Present).

- d. Faculty Advisor for the Association of Intellectual Property and Entertainment Law (AIPEL) (2007-Present).
- e. Member of the advisory board for the Mizzou Advantage area of One Health, One Medicine: The Convergence of Human and Animal Health.
- f. Member of the advisory board for the Mizzou Advantage area of Understanding and Managing Disruptive and Transformational Technologies.
- g. Member for the search committee for the MU Office of Technology Management and Industry Relations.

## **2. University Presentations and Workshops**

- a. Organizing the 2010-2011 Missouri Law Review annual symposium.
- b. Discussion of Recent Supreme Court Intellectual Property Cases (2010).
- c. Presentation of Novelty Article at faculty colloquia (2009).
- d. Panel Discussion of Student Use of Social Networking Websites (2008).
- e. Presentations to AIPEL on Course Selection and Career Options with an Intellectual Property (2007, 2008, 2009).

## **3. Local Presentations and Community Work**

- a. Roundtable Discussion with Artists on their Intellectual Property Rights, Orr Street Studios (2010) (This discussion was a cooperative effort between AIPEL and the St. Louis branch of Lawyers and Accountants for the Arts.).
- b. Member of the Advisory Board, Columbia Hope Episcopal Church (2009-2010).
- c. Speech on the Benefits and Problems of Online Anonymity at the "Speak Your Mind" event at Hickman High School (2008) (Columbia, MO).

## **4. National Professional Service**

- a. Over 30,000 practicing patent attorneys and patent agents rely upon my Patently-O Patent Law site on a daily bases to ensure that they are up-to-date with the latest information regarding the practice of patent law.
- b. Voting member of the IP Hall of Fame Academy.
- c. Board member of the Peer-to-Patent Community Peer Review project.
- d. I have presented material (usually based on my own academic work) at many conferences and CLE programs over the past three years. I was the chairman of an intellectual property focused conference for in house counsel in 2010. My presentations to practicing attorneys include those to the American Intellectual Property Law Association (AIPLA), the Intellectual Property Owners Association (IPO), the Fédération Internationale des Conseils en Propriété Industrielle (FICPI), the Federal Circuit Bar Association (FCBA), the Patent Information Users Group, the Association of Corporate Patent Counsel, the IP Section of the Bar Association of Metro of St. Louis (BAMSL) and the IP Section of the Kansas City Metro Bar Association (KCMBA).
- e. I regularly work with reporters writing about patent law issues to help ensure that their stories are accurate and complete.

- f. Each year, I have attended at two-to-three works-in-progress workshops where I have presented my own work and also provided feedback on the work of my colleagues at other institutions. I also regularly exchange feedback on works-in-progress with colleagues at other institutions.
- g. I respond to hundreds of inquiries each year from patent attorneys as well as patent applicants regarding various patent law issues.

**Other**

- Spouse: Shannon Hensley (13 years), Children: Robin (age 5), Charly (age 2).